

*West Virginia Department of Environmental Protection  
Division of Air Quality*

*Earl Ray Tomblin  
Governor*

*Randy C. Huffman  
Cabinet Secretary*

*Permit to*

*Operate*



*Pursuant to  
Title V  
of the Clean Air Act*

*Issued to:*  
**Appalachian Power Company**  
**Philip Sporn Plant/New Haven, WV**  
**R30-05300001-2015**

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*William F. Durham  
Director*

*Issued: Draft/Proposed • Effective: [Equals issue date plus two weeks]  
Expiration: [5 years after issuance date] • Renewal Application Due: [6 months prior to expiration]*

Permit Number: **R30-05300001-2015**  
Permittee: **Appalachian Power Company (d.b.a. American Electric Power)**  
Facility Name: **Philip Sporn Plant**  
Permittee Mailing Address: **1 Riverside Plaza, Columbus, OH 43215**

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*This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 C Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.*

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Facility Location:	New Haven, Mason County, West Virginia
Facility Mailing Address:	P.O. Box 389, New Haven, WV 25265
Telephone Number:	(304) 882-2151
Type of Business Entity:	Corporation
Facility Description:	Electric Generation Service
SIC Codes:	Primary 4911; Secondary N/A; Tertiary N/A
UTM Coordinates:	420.01 km Easting \$ 4313.31 km Northing \$ Zone 17

Permit Writer: Frederick Tipane

*Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.*

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*Issuance of this Title V Operating Permit does not supersede or invalidate any existing permits under 45CSR13, 14 or 19, although all applicable requirements from such permits governing the facility's operation and compliance have been incorporated into the Title V Operating Permit.*

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## 1.0 Emission Units and Active R13, R14, and R19 Permits

### 1.1. Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed <sup>1</sup>	Design Capacity <sup>2</sup>	Control Device <sup>3</sup>
<b>Boiler &amp; Associated Equipment</b>					
Unit 1	CS014	Boiler: Babcock & Wilcox, Model # RB-67	1950	1311 mmBtu/hr	High efficiency ESP; LNB
Unit 2	CS014	Boiler: Babcock & Wilcox, Model # RB-80	1950	1311 mmBtu/hr	High efficiency ESP; LNB
Unit 3	CS014	Boiler: Babcock & Wilcox, Model # RB-98	1951	1311 mmBtu/hr	High efficiency ESP; LNB
Unit 4	CS014	Boiler: Babcock & Wilcox, Model # RB-113	1952	1311 mmBtu/hr	High efficiency ESP; LNB
<b>Coal Handling</b>					
Barge Unloader	BU	Barge Unloader	1960	1200 TPH	MC
Unloading Tower	UT	Drop from Unloader to Feeder 2E and from Feeder 2E to Conveyor 2A	1960	1200 TPH	FE, PE, MC, WS
Conv. 2A	C-2A	Conveyor 2A	1960	1200 TPH	FE, MC
Station 2A	STA-2A	Drop from Conveyor 2A to Conveyor 2B. Coal is sampled in this station.	1960	1000 TPH	FE, MC
Conv. 2B	C-2B	Conveyor 2B	1960	1200 TPH	PE, MC
Station 2B	STA-2B	Drop from Conveyor 2B through telescoping chute to storage pile. Under storage pile is feeders 2A, 2B, 2C, 2D directing coal to Conveyor 2C.	1960	1200 TPH	FE, MC
Coal Yard	CSA	Coal Storage Area	1950	14.8 Acres	MC
Conv. 2C	C-2C	Conveyor 2C	1960	1200 TPH	FE, MC
Station 2	STA-2	Drop from Conveyor 2C to Conveyor 2	1960	1050 TPH	FE, MC, WS
Conv. 2	C-2C	Conveyor 2	1960	1050 TPH	FE, MC
Station 3	STA-3	Drop from Conveyor 2 to Conveyor 5. Included in this station are a screen and crusher.	1960	1050 TPH	FE, MC
Conv. 5	C-5	Conveyor 5	1960	1050 TPH	FE, MC

<sup>1</sup> "Year Installed" reflects the "commenced" construction or modification date as defined in 40 CFR 60.

<sup>2</sup> Rated Design Capacity

<sup>3</sup> Control Device/Control System abbreviations: ESP = Electrostatic Precipitators, LNB = Low NOx Burners, SCR = Selective Catalytic Reduction, FE = Full enclosure, PE = Partial Enclosure, BH = Baghouse(s), MC = Moisture Content, WS = Wetting Spray



Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed <sup>1</sup>	Design Capacity <sup>2</sup>	Control Device <sup>3</sup>
Station 4	STA-4	Drop from Conveyor to Conveyors 6L and 6R.	1960	1050 TPH	FE, MC
Conv. 6L	C-6L	Conveyor 6L	1960	1050 TPH	FE, MC
Conv. 6R	C-6R	Conveyor 6R	1960	1050 TPH	FE, MC
		Site Access Roads	1950	N/A	N/A
<b>Ash Handling</b>					
Silos 1, 2	FAS-1, 2	Fly Ash Storage Silo 1, 2	1978	89,221 cu. Ft (ea.)	FE, Vent Filter
Unloaders 1-6	RU 1 - 6	Fly Ash Rotary Unloaders (3 each silo)	1978	207 TPH (avg.)	WS, MC
		Fly Ash Haul Roads	1978	N/A	WS
<b>Miscellaneous Other</b>					
PE1	Pump Engine 1	Diesel Engine Fire Pump	1985	300 HP	N/A
PE2	Pump Engine 2	Diesel Engine Fire Pump	1985	300 HP	N/A
Tank #2	Tank #2	West Fuel Oil Tank – Fuel Oil	1971	500,000 gal.	N/A
Tank #3	Tank #3	Tractor Shed Diesel UST – Fuel Oil	1990	5,000 gal.	N/A
Tank #4	Tank #4	Tractor Shed Gasoline UST – Gasoline	1990	1,000 gal.	N/A
Tank #5	Tank #5	Unit 1 Turbine Oil Tank – Lube Oil	1950	6,384 gal.	N/A
Tank #6	Tank #6	Unit 2 Turbine Oil Tank – Lube Oil	1950	6,384 gal.	N/A
Tank #7	Tank #7	Unit 3 Turbine Oil Tank – Lube Oil	1950	6,384 gal.	N/A
Tank #8	Tank #8	Unit 4 Turbine Oil Tank – Lube Oil	1950	6,384 gal.	N/A
Tank #11	Tank #11	Station 2A UST – Fuel Oil	1980	5,000 gal.	N/A
Tank #12	Tank #12	Station 3 UST – Fuel Oil	1980	5,000 gal.	N/A
Tank #13	Tank #13	East Used Oil Tank – Misc. Lube oil	1980	2,500 gal.	N/A
Tank #14	Tank #14	West Used Oil Tank – Misc. Lube oil	1980	2,500 gal.	N/A
Tank #15	Tank #15	Kerosene Tank	1985	225 gal.	N/A
Tank #16	Tank #16	Kerosene Tank	1985	225 gal	N/A
Tank #17	Tank #17	Low Sulfur Diesel Fuel Tank	1989	550 gal.	N/A

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed <sup>1</sup>	Design Capacity <sup>2</sup>	Control Device <sup>3</sup>
Tank #18	Tank #18	Unit 5 Ammonium Hydroxide Tank	1960	4500 gal.	N/A
Tank #21	Tank #21	Units 1-4 Sodium Hypochlorite	1994	2000 gal.	N/A
Tank #22	Tank #22	Units 1-4 Sodium Hypochlorite	1994	2000 gal.	N/A
Tank #23	Tank #23	Units 1-4 Sodium Bisulfite	1994	2000 gal.	N/A
Tank #24	Tank #24	Units 1-4 Sodium Bisulfite	1994	2000 gal.	N/A
Tank #26	Tank #26	Units 1-2 Sodium Bromide	1994	2000 gal.	N/A
Tank #27	Tank #27	Station 2A – Dustreat	2002	800 gal.	N/A
Tank #28	Tank #28	Coal Transfer Station 2A – Diethylene glycol	N/A	250 gal. tote	N/A
Tank #29	Tank #29	Coal Transfer Station 2 – Diethylene glycol	N/A	250 gal. tote	N/A
Tank #30	Tank #30	Coal Transfer Station 3 – Diethylene glycol	N/A	250 gal. tote	N/A
Tank #31	Tank #31	Urea Solution Storage Tank	2008	35,000 gal.	N/A
Tank #32	Tank #32	Urea Solution Storage Tank	2008	35,000 gal.	N/A
Tank #33	Tank #33	Unit 1-4 Make-up Lube Oil Tank	1950	1000 gal.	N/A
Tank #34	Tank #34	Unit 1-4 Clean and Dirty Lube Oil Storage Tank	1950	16,800 gal.	N/A
Tank #35	Tank #35	Station 4 Heating Oil Tank	1980	5000 gal.	N/A
Tank #36	Tank #36	Fire Pumphouse Diesel Tank	2011	550 gal.	N/A

## 1.2. Active R13, R14, and R19 Permits

The underlying authority for any conditions from R13, R14, and/or R19 permits contained in this operating permit is cited using the original permit number (e.g. R13-1234). The current applicable version of such permit(s) is listed below.

Permit Number	Date of Issuance
<i>None</i>	

## 2.0 General Conditions

### 2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.
- 2.1.4. Unless otherwise specified in a permit condition or underlying rule or regulation, all references to a "rolling yearly total" shall mean the sum of the monthly data, values or parameters being measured, monitored, or recorded, at any given time for the previous twelve (12) consecutive calendar months.

### 2.2. Acronyms

<b>CAAA</b>	Clean Air Act Amendments	<b>NSPS</b>	New Source Performance
<b>CBI</b>	Confidential Business Information		Standards
<b>CEM</b>	Continuous Emission Monitor	<b>PM</b>	Particulate Matter
<b>CES</b>	Certified Emission Statement	<b>PM<sub>10</sub></b>	Particulate Matter less than 10µm in diameter
<b>C.F.R. or CFR</b>	Code of Federal Regulations		
<b>CO</b>	Carbon Monoxide	<b>pph</b>	Pounds per Hour
<b>C.S.R. or CSR</b>	Codes of State Rules	<b>ppm</b>	Parts per Million
<b>DAQ</b>	Division of Air Quality	<b>PSD</b>	Prevention of Significant Deterioration
<b>DEP</b>	Department of Environmental Protection	<b>psi</b>	Pounds per Square Inch
<b>FOIA</b>	Freedom of Information Act	<b>SIC</b>	Standard Industrial Classification
<b>HAP</b>	Hazardous Air Pollutant		
<b>HON</b>	Hazardous Organic NESHAP	<b>SIP</b>	State Implementation Plan
<b>HP</b>	Horsepower	<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>lbs/hr or lb/hr</b>	Pounds per Hour	<b>TAP</b>	Toxic Air Pollutant
<b>LDAR</b>	Leak Detection and Repair	<b>TPY</b>	Tons per Year
<b>m</b>	Thousand	<b>TRS</b>	Total Reduced Sulfur
<b>MACT</b>	Maximum Achievable Control Technology	<b>TSP</b>	Total Suspended Particulate
<b>mm</b>	Million	<b>USEPA</b>	United States Environmental Protection Agency
<b>mmBtu/hr</b>	Million British Thermal Units per Hour		
<b>mmft<sup>3</sup>/hr or mmcf/hr</b>	Million Cubic Feet Burned per Hour	<b>UTM</b>	Universal Transverse Mercator
<b>NA or N/A</b>	Not Applicable	<b>VEE</b>	Visual Emissions Evaluation
<b>NAAQS</b>	National Ambient Air Quality Standards	<b>VOC</b>	Volatile Organic Compounds
<b>NESHAPS</b>	National Emissions Standards for Hazardous Air Pollutants		
<b>NO<sub>x</sub></b>	Nitrogen Oxides		



### **2.3. Permit Expiration and Renewal**

- 2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.  
[45CSR§30-5.1.b.]
- 2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.  
[45CSR§30-4.1.a.3.]
- 2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-4.1.a.3.  
[45CSR§30-6.3.b.]
- 2.3.4. If the Secretary fails to take final action to deny or approve a timely and complete permit application before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.  
[45CSR§30-6.3.c.]

### **2.4. Permit Actions**

- 2.4.1. This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.  
[45CSR§30-5.1.f.3.]

### **2.5. Reopening for Cause**

- 2.5.1. This permit shall be reopened and revised under any of the following circumstances:
  - a. Additional applicable requirements under the Clean Air Act or the Secretary's legislative rules become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 45CSR§§30-6.6.a.1.A. or B.
  - b. Additional requirements (including excess emissions requirements) become applicable to an affected source under Title IV of the Clean Air Act (Acid Deposition Control) or other legislative rules of the Secretary. Upon approval by U.S. EPA, excess emissions offset plans shall be incorporated into the permit.
  - c. The Secretary or U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
  - d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.



[45CSR§30-6.6.a.]

## **2.6. Administrative Permit Amendments**

- 2.6.1. The permittee may request an administrative permit amendment as defined in and according to the procedures specified in 45CSR§30-6.4.  
[45CSR§30-6.4.]

## **2.7. Minor Permit Modifications**

- 2.7.1. The permittee may request a minor permit modification as defined in and according to the procedures specified in 45CSR§30-6.5.a.  
[45CSR§30-6.5.a.]

## **2.8. Significant Permit Modification**

- 2.8.1. The permittee may request a significant permit modification, in accordance with 45CSR§30-6.5.b., for permit modifications that do not qualify for minor permit modifications or as administrative amendments.  
[45CSR§30-6.5.b.]

## **2.9. Emissions Trading**

- 2.9.1. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are in accordance with all applicable requirements.  
[45CSR§30-5.1.h.]

## **2.10. Off-Permit Changes**

- 2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:
- a. The change must meet all applicable requirements and may not violate any existing permit term or condition.
  - b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
  - c. The change shall not qualify for the permit shield.
  - d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.

- e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.
- f. No permittee may make any changes which would require preconstruction review under any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) pursuant to the provisions of 45CSR§30-5.9.

**[45CSR§30-5.9.]**

## **2.11. Operational Flexibility**

- 2.11.1. The permittee may make changes within the facility as provided by § 502(b)(10) of the Clean Air Act. Such operational flexibility shall be provided in the permit in conformance with the permit application and applicable requirements. No such changes shall be a modification under any rule or any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) promulgated by the Secretary in accordance with Title I of the Clean Air Act and the change shall not result in a level of emissions exceeding the emissions allowable under the permit.

**[45CSR§30-5.8]**

- 2.11.2. Before making a change under 45CSR§30-5.8., the permittee shall provide advance written notice to the Secretary and to U.S. EPA, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall thereafter maintain a copy of the notice with the permit, and the Secretary shall place a copy with the permit in the public file. The written notice shall be provided to the Secretary and U.S. EPA at least seven (7) days prior to the date that the change is to be made, except that this period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. If less than seven (7) days notice is provided because of a need to respond more quickly to such unanticipated conditions, the permittee shall provide notice to the Secretary and U.S. EPA as soon as possible after learning of the need to make the change.

**[45CSR§30-5.8.a.]**

- 2.11.3. The permit shield shall not apply to changes made under 45CSR§30-5.8., except those provided for in 45CSR§30-5.8.d. However, the protection of the permit shield will continue to apply to operations and emissions that are not affected by the change, provided that the permittee complies with the terms and conditions of the permit applicable to such operations and emissions. The permit shield may be reinstated for emissions and operations affected by the change:

- a. If subsequent changes cause the facility's operations and emissions to revert to those authorized in the permit and the permittee resumes compliance with the terms and conditions of the permit, or
- b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.

**[45CSR§30-5.8.c.]**

- 2.11.4. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.



**[45CSR§30-2.39]**

**2.12. Reasonably Anticipated Operating Scenarios**

- 2.12.1. The following are terms and conditions for reasonably anticipated operating scenarios identified in this permit.
- a. Contemporaneously with making a change from one operating scenario to another, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating and to document the change in reports submitted pursuant to the terms of this permit and 45CSR30.
  - b. The permit shield shall extend to all terms and conditions under each such operating scenario; and
  - c. The terms and conditions of each such alternative scenario shall meet all applicable requirements and the requirements of 45CSR30.

**[45CSR§30-5.1.i.]**

**2.13. Duty to Comply**

- 2.13.1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**[45CSR§30-5.1.f.1.]**

**2.14. Inspection and Entry**

- 2.14.1. The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:
- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
  - d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

**[45CSR§30-5.3.b.]**

## **2.15. Schedule of Compliance**

- 2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:
- a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
  - b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

[45CSR§30-5.3.d.]

## **2.16. Need to Halt or Reduce Activity not a Defense**

- 2.16.1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

[45CSR§30-5.1.f.2.]

## **2.17. Emergency**

- 2.17.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- [45CSR§30-5.7.a.]
- 2.17.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of 45CSR§30-5.7.c. are met.
- [45CSR§30-5.7.b.]
- 2.17.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and



- d. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, the permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

[45CSR§30-5.7.c.]

- 2.17.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

[45CSR§30-5.7.d.]

- 2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

[45CSR§30-5.7.e.]

## **2.18. Federally-Enforceable Requirements**

- 2.18.1. All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.

[45CSR§30-5.2.a.]

- 2.18.2. Those provisions specifically designated in the permit as "State-enforceable only" shall become "Federally-enforceable" requirements upon SIP approval by the USEPA.

## **2.19. Duty to Provide Information**

- 2.19.1. The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

[45CSR§30-5.1.f.5.]

## **2.20. Duty to Supplement and Correct Information**

- 2.20.1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

[45CSR§30-4.2.]

## **2.21. Permit Shield**

- 2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.

**[45CSR§30-5.6.a.]**

2.21.2. Nothing in this permit shall alter or affect the following:

- a. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or
- b. The applicable requirements of the Code of West Virginia and Title IV of the Clean Air Act (Acid Deposition Control), consistent with § 408 (a) of the Clean Air Act.
- c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.

**[45CSR§30-5.6.c.]**

**2.22. Credible Evidence**

2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.

**[45CSR§30-5.3.e.3.B. and 45CSR38]**

**2.23. Severability**

2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.

**[45CSR§30-5.1.e.]**

**2.24. Property Rights**

2.24.1. This permit does not convey any property rights of any sort or any exclusive privilege.

**[45CSR§30-5.1.f.4]**

**2.25. Acid Deposition Control**

2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.

- a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.
- b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.
- c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

**[45CSR§30-5.1.d.]**

- 2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA.

**[45CSR§30-5.1.a.2.]**



### 3.0 Facility-Wide Requirements

#### 3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person is prohibited except as noted in 45CSR§6-3.1.  
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.  
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.  
[40 C.F.R. §61.145(b) and 45CSR34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.  
[45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.  
[45CSR§11-5.2]
- 3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality.  
[W.Va. Code § 22-5-4(a)(14)]
- 3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.



- c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 C.F.R. § 82.161.

**[40 C.F.R. 82, Subpart F]**

- 3.1.8. **Risk Management Plan.** Should this stationary source, as defined in 40 C.F.R. § 68.3, become subject to Part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 C.F.R. § 68.10 and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 C.F.R. Part 70 or 71.

**[40 C.F.R. 68]**

- 3.1.9. **TR NO<sub>x</sub> Annual Trading Program.** The permittee shall comply with the standard requirements set forth in the attached Transport Rule (TR) Trading Program Title V Requirements (see Appendix D).

**[40 C.F.R. §97.406]**

- 3.1.10. **TR NO<sub>x</sub> Ozone Season Trading Program.** The permittee shall comply with the standard requirements set forth in the attached Transport Rule (TR) Trading Program Title V Requirements (see Appendix D).

**[40 C.F.R. §97.506]**

- 3.1.11. **TR SO<sub>2</sub> Group 1 Trading Program.** The permittee shall comply with the standard requirements set forth in the attached Transport Rule (TR) Trading Program Title V Requirements (see Appendix D).

**[40 C.F.R. §97.606]**

- 3.1.12. **Fugitive Particulate Matter Control.** No person shall cause, suffer, allow, or permit any source of fugitive particulate matter to operate that is not equipped with a fugitive particulate matter control system. This system shall be operated and maintained in such a manner as to minimize the emission of fugitive particulate matter. Sources of fugitive particulate matter associated with fuel burning units shall include, but not be limited to, the following:

- a. Stockpiling of ash or fuel either in the open or in enclosures such as silos;
- b. Transport of ash in vehicles or on conveying systems, to include spillage, tracking, or blowing of particulate matter from or by such vehicles or equipment; and
- c. Ash or fuel handling systems and ash disposal areas.

**[45CSR§2-5.]**

- 3.1.13. **General Compliance EGU MACT (MATS) -** Units 1, 2, 3, and 4 shut down prior to June 1, 2015 and are scheduled for permanent retirement and decommissioning. The permanent retirement and decommissioning have been delayed pending a review by the Public Service Commission of West Virginia. In the event of a re-start of any of these units, including any modification to the type of fuel combusted, each affected source must be in compliance with all applicable state and federal rules and permitting requirements, including those of 40 CFR 63, Subpart UUUUU.

**[45CSR34; 40 CFR §§63.9984(b) and 63.6.(i), 45CSR§30-12.7.]**

### **3.2. Testing Requirements**

- 3.2.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or

established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.2.1.a. of this permit.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
- d. The permittee shall submit a report of the results of the stack test within 60 days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.4.1; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:
  1. The permit or rule evaluated, with the citation number and language.
  2. The result of the test for each permit or rule condition.
  3. A statement of compliance or non-compliance with each permit or rule condition.

[WV Code §§ 22-5-4(a)(14-15), 45CSR2 and 45CSR10]

### **3.3. Recordkeeping Requirements**

- 3.3.1. **Monitoring information.** The permittee shall keep records of monitoring information that include the following:

- a. The date, place as defined in this permit and time of sampling or measurements;



- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of the analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

**[45CSR§30-5.1.c.2.A.]**

- 3.3.2. **Retention of records.** The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.

**[45CSR§30-5.1.c.2.B.]**

- 3.3.3. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.

**[45CSR§30-5.1.c. State-Enforceable only.]**

- 3.3.4. The permittee shall maintain records indicating the use of any dust suppressants or any other suitable dust control measures applied at the facility. The permittee shall also inspect all fugitive dust control systems weekly from May 1 through September 30 and monthly from October 1 through April 30 to ensure that they are operated as necessary and maintained in good working order. The permittee shall maintain records of all scheduled and non-scheduled maintenance and shall state any maintenance or corrective actions taken as a result of the weekly and/or monthly inspections, the times the fugitive dust control system(s) were inoperable and any corrective actions taken.

**[45CSR§30-5.1.c.]**

### **3.4. Reporting Requirements**

- 3.4.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

**[45CSR§§30-4.4. and 5.1.c.3.D.]**

- 3.4.2. A permittee may request confidential treatment for the submission of reporting required under 45CSR§30-5.1.c.3. pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.

**[45CSR§30-5.1.c.3.E.]**

- 3.4.3. Except for the electronic submittal of the annual certification to the USEPA as required in 3.4.5 below, all notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when

delivered by hand, mailed first class or by private carrier with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

**If to the DAQ:**

Director  
WVDEP  
Division of Air Quality  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
  
Phone: 304/926-0475  
FAX: 304/926-0478

**If to the US EPA:**

Associate Director  
Office of Air Enforcement and Compliance  
Assistance (3AP20)  
U. S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

- 3.4.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.  
[45CSR§30-8.]
- 3.4.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The annual certification to the USEPA shall be submitted in electronic format only. It shall be submitted by e-mail to the following address: [R3\\_APD\\_Permits@epa.gov](mailto:R3_APD_Permits@epa.gov). The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification.  
[45CSR§30-5.3.e.]
- 3.4.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and on or before March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4.  
[45CSR§30-5.1.c.3.A.]
- 3.4.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.
- 3.4.8. **Deviations.**
- a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:
1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the



probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.

2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.
3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.
4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

**[45CSR§30-5.1.c.3.C.]**

- b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary.

**[45CSR§30-5.1.c.3.B.]**

- 3.4.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement.

**[45CSR§30-4.3.h.1.B.]**

### **3.5. Permit Shield**

- 3.5.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.
- 3.5.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.
  - a. 45CSR5 – *To Prevent and Control Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas*: The coal handling operations are regulated by 45CSR2 and therefore are exempt in accordance with 45CSR§§5-2.4.b. & 2.14.
  - b. 45CSR7 – *To Prevent and Control Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations*: The facility is regulated by 45CSR2 and therefore exempt in accordance with 45CSR§7-10.1
  - c. 45CSR17 - *To Prevent and Control Particulate Matter Air Pollution from Materials Handling, Preparation, Storage and Other Sources of Fugitive Particulate Matter*: The facility is regulated by 45CSR2 and therefore exempt in accordance with 45CSR§17-6.1.

- d. 40 C.F.R. 60 Subpart D – *Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971*: The Philip Sporn fossil-fuel-fired steam generators were installed prior to August 17, 1971 and have not undergone a “modification” as defined in 40 C.F.R. 60.
- e. 40 C.F.R. 60 Subpart Da – *Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978*: The Philip Sporn electric utility steam generating units were installed prior to September 18, 1978 and have not undergone a “modification” as defined in 40 C.F.R. 60.
- f. 40 C.F.R. 60 Subpart K – *Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973 and Prior to May 19, 1978*: The facility does not include storage vessels that are used to store petroleum liquids (as defined in 40 C.F.R. § 60.111(b)) and that have a storage capacity greater than 40,000 gallons for which construction, reconstruction or modification was commenced after June 11, 1973 and prior to May 19, 1978.
- g. 40 C.F.R. 60 Subpart Ka – *Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978 and Prior to July 23, 1984*: The facility does not include storage vessels that are used to store petroleum liquids (as defined in 40 C.F.R. § 60.111(b)) and that have a storage capacity greater than 40,000 gallons for which construction, reconstruction or modification was commenced after May 18, 1978 and prior to July 23, 1984.
- h. 40 C.F.R. 60 Subpart Kb – *Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984*: The facility storage vessels that are potentially affected by this rule are exempted because they contain liquids with a maximum true vapor pressure of less than 3.5 kPa, have a storage capacity of less than 75 cubic meters, or have not commenced construction, reconstruction or modification after July 23, 1984.
- i. 40 C.F.R. 60 Subpart Y – *Standards of Performance for Coal Preparation Plants*: The Philip Sporn coal processing and conveying equipment were installed prior to October 24, 1974 and have not undergone a “modification” as defined in 40 C.F.R. 60.
- j. 40 C.F.R. 63 Subpart Q – *National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers*: The facility does not include industrial process cooling towers that have operated with chromium-based water treatment chemicals on or after September 8, 1994.



#### **4.0 Boilers [emission point ID(s): CS014]**

##### **4.0.1. Emergency Operating Scenarios**

- a. In the event of an unavoidable shortage of fuel having characteristics or specifications necessary to comply with the visible emission requirements or any emergency situation or condition creating a threat to public safety or welfare, the Secretary may grant an exemption to the otherwise applicable visible emission standards for a period not to exceed fifteen (15) days, provided that visible emissions during that period do not exceed a maximum six (6) minute average of thirty (30) percent and that a reasonable demonstration is made by the owner or operator that the weight emission requirements will not be exceeded during the exemption period.

**[45CSR§2-10.1.]**

- b. Due to unavoidable malfunction of equipment or inadvertent fuel shortages, SO<sub>2</sub> emissions from the boilers exceeding those provided for in 45CSR§10-3.3.e. may be permitted by the Secretary for periods not to exceed ten (10) days upon specific application to the Secretary. Such application shall be made within twenty-four (24) hours of the equipment malfunction or fuel shortage. In cases of major equipment failure or extended shortages of conforming fuels, additional time periods may be granted by the Secretary, provided a corrective program has been submitted by the owner or operator and approved by the Secretary.

**[45CSR§10-9.1.]**

##### **4.0.2. Thermal Decomposition Of Boiler Cleaning Solutions**

The thermal decomposition of boiler cleaning solutions is permitted upon notification to the Secretary, provided that records are maintained which show that the solutions are non-hazardous materials and that the combustion of such solutions does not produce hazardous compounds or emissions. Such records shall be kept on site for a period of no less than five (5) years and shall be made available, in a suitable form for inspection, to the Secretary upon request.

**[WVDAQ Letter dated September 3, 2002 addressed to Mr. Greg Wooten and signed by Jesse D. Adkins - State-Enforceable only]**

#### **4.1. Limitations and Standards**

- 4.1.1. Visible Emissions from the stacks shall not exceed ten (10) percent opacity based on a six minute block average.

**[45CSR§2-3.1.]**

- 4.1.2. Particulate matter emissions from the stack (CS014) shall not exceed 262.2 lb/hr. The averaging time shall be the arithmetic average of three complete sampling runs consisting of a minimum total sampling time of two (2) hours per run.

**[45CSR§2-4.1.a., 45CSR2-Appendix §§ 4.1.b. & 4.1.c.]**

- 4.1.3. The visible emission standards of condition 4.1.1., shall apply at all times except in periods of start-ups, shutdowns and malfunctions.

**[45CSR§2-9.1.]**



- 4.1.4. Any fuel burning unit(s) including associated air pollution control equipment, shall at all times, including periods of start-up, shutdowns, and malfunctions, to the extent practicable, be maintained and operated in a manner consistent with good air pollution control practice for minimizing emissions.  
[45CSR§2-9.2.]
- 4.1.5. Sulfur dioxide emissions from the Unit 1, 2, 3, and 4, stacks (CS014) shall not exceed 16,781 lb/hr.  
[45CSR§10-3.3. & 3.3.e.]
- 4.1.6. Unless otherwise approved by the Secretary, the maximum allowable emission rate for an individual stack shall not exceed by more than twenty-five percent (25%) the emission rate determined by prorating the total allowable emission rate specified in 4.1.5. on the basis of an individual unit heat input at design capacity for all fuel burning units discharging through that stack.  
[45CSR§10-3.4.a., 45CSR§10A-4.]
- 4.1.7. Compliance with the allowable sulfur dioxide emission limitations from the boilers shall be based on a continuous twenty-four (24) hour averaging time. Emissions shall not be allowed to exceed the weight emissions standards for sulfur dioxide as set forth in 45CSR10, except during one (1) continuous twenty-four (24) hour period in each calendar month. During this one (1) continuous twenty-four hour period, emissions shall not be allowed to exceed such weight emission standards by more than ten percent (10%) without causing a violation of 45CSR10. A continuous twenty-four (24) hour period is defined as one (1) calendar day.  
[45CSR§10-3.8.]

## **4.2. Monitoring Requirements**

- 4.2.1. Compliance with the visible emission requirements for emission points CS014 shall be determined in accordance with 40 C.F.R. Part 60, Appendix A, Method 9 or by using measurements from continuous opacity monitoring systems and as described in the approved monitoring plan (attached in Appendix A of this permit).  
[45CSR§2-3.2., 8.1a & 8.2, 45CSR§2A-6]
- 4.2.2. The owner or operator shall install, calibrate, certify, operate, and maintain continuous monitoring systems that measure opacity, and all SO<sub>2</sub> and NO<sub>x</sub> emissions from emission points CS014 as specified in 40 C.F.R. Part 75 and measure CO<sub>2</sub> emissions from emission points CS014 as specified in 40 C.F.R. Part 75.  
[45CSR33, 40 C.F.R. § 75.10, 40 C.F.R. §§64.3(b)(1) and (b)(4)(ii), 45CSR§30-5.1.c]
- 4.2.3. Compliance with the operating and fuel usage requirements for Units 1 – 4 shall be demonstrated as outlined in section I.A.3. of the DAQ approved “45CSR2 Monitoring Plan” attached in Appendix A of this permit.  
[45CSR§2-8.3.c., 8.4.a. & 8.4.a.1.]
- 4.2.4. The owner or operator shall implement a Compliance Assurance Monitoring program in accordance with the following:
- a. The permittee shall monitor and maintain 6-minute opacity averages measured by a continuous opacity monitoring system, operated and maintained pursuant to 40 C.F.R. Part 75, including the minimum data

requirements, in order to determine 3-hour block average opacity values. The permittee may also use COMS that satisfy Section 51.214 and appendix P of Part 51, or Section 60.13 and appendix B of Part 60, to satisfy the general design criteria under 40 C.F.R. §§64.3(a) and (b).

[45CSR§30-5.1.c.; 40 C.F.R. § 64.6(c)(1)(i) and (ii)]

- b. The COM QA/QC procedures shall be equivalent to the applicable requirements of 40 C.F.R. Part 75. The permittee may also use COMS that satisfy Section 51.214 and appendix P of Part 51, or Section 60.13 and appendix B of Part 60, to satisfy the general design criteria under 40 C.F.R. §§64.3(a) and (b).  
[40 C.F.R. §75.21; 40 C.F.R. § 64.6(c)(iii); 45CSR§30-5.1.c.]

- c. The 6-minute opacity averages from permit condition 4.2.4.(a) shall be used to calculate 3-hour block average opacity values. Data recorded during monitoring malfunctions, associated repairs and QA/QC activities shall not be used for calculating the 3-hour averages. All other available qualified data consisting of 6-minute opacity averages will be used to calculate a 3-hour average. Data availability shall be at least 50% of the operating time in the 3-hour block to satisfy the data requirements to calculate the 3-hour average opacity. However, the number of invalid 3-hour blocks shall not exceed 15% of the total 3-hour blocks during unit operation for a quarterly reporting period.

An excursion of the indicator range shall be defined as two consecutive 3-hour block average opacity values that exceed 10%.

[45CSR§30-5.1.c.; 40 C.F.R. § 64.6(c)(2) and (4); 40 C.F.R. § 64.7(c)]

4.2.5. Reserved

- 4.2.6. **Proper Maintenance.** The permittee shall maintain monitoring at all times, including maintaining necessary spare parts for routine repairs of the monitoring equipment.  
[45CSR§30-5.1.c.; 40 C.F.R. § 64.7(b)]

4.2.7. **Response to Excursions or Exceedances**

- a. Upon detecting an excursion or exceedance, the permittee shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.
- b. Determination of whether the permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.



**[40 C.F.R. § 64.7(d); 45CSR§30-5.1.c.]**

- 4.2.8. **Documentation of Need for Improved Monitoring** – After approval of monitoring under 40 C.F.R. Part 64, if the permittee identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing (permit condition 4.3.2.) document a need to modify the existing indicator ranges or designated conditions, the permittee shall promptly notify the Director and, if necessary, submit a proposed modification to the permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

**[40 C.F.R. § 64.7(e); 45CSR§30-5.1.c.]**

4.2.9. **Quality Improvement Plan (QIP)**

- a. Based on the results of a determination made under permit condition 4.2.7.b. or 4.2.9.(b), the Administrator or the Director may require the permittee to develop and implement a QIP. If a QIP is required, then it shall be developed, implemented, and modified as required according to 40 C.F.R. §§ 64.8(b) through (e). Refer to permit condition 4.5.6.(b)(iii) for the reporting required when a QIP is implemented.
- b. If five (5) percent or greater of the three (3) hour average COMS opacity values, determined in accordance with 4.2.4.c. of this permit, indicate excursions of the 10% opacity threshold during a calendar quarter, the permittee shall develop and implement a QIP. The Director may waive this QIP requirement upon a demonstration that the cause(s) of the excursions have been corrected, or may require stack tests at any time pursuant to permit condition 3.2.1.

**[40 C.F.R. §§ 64.8 and 64.7(d); 45CSR§30-5.1.c.]**

- 4.2.10. **Continued operation.** Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of this part, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

**[40 C.F.R. § 64.7(c); 45CSR§30-5.1.c.]**

### 4.3. Testing Requirements

- 4.3.1. The owner or operator shall conduct, or have conducted, tests to determine the compliance of Boilers (Units 1-4) with the particulate matter mass emission limitations. Such tests shall be conducted in accordance with



the appropriate method set forth in 45CSR2 Appendix - Compliance Test Procedures for 45CSR2 or other equivalent EPA approved method approved by the Secretary. Such tests shall be conducted in accordance with the schedule set forth in the following table. A retest was completed on July 11, 2013 for the Units 1-4 stack. Units 1-4 vent to a common stack. The results quantified 109.47 lb/hr PM. Since the overall emission limit is 262.2 lb/hr, the measured mass emission rates were <50% of the weight emission standard. The previous testing frequency was a "Once/2 years" cycle. Since this is the first test ≤50% of the weight emission standard following a "Once/2 years" cycle, the current testing frequency will remain "Once/2 years." Subsequent testing shall be based on the schedule below.

Test	Test Results	Testing Frequency
Annual	After three successive tests indicate mass emission rates ≤50% of weight emission standard	Once/3 years
Annual	After two successive tests indicate mass emission rates <80% of weight emission standard	Once/2 years
Annual	Any test indicates a mass emission rate ≥80% of weight emission standard	Annual
Once/2 years	After two successive tests indicate mass emission rates ≤50% of weight emission standard	Once/3 years
Once/2 years	Any test indicates a mass emission rate <80% of weight emission standard	Once/2 years
Once/2 years	Any test indicates a mass emission rate ≥80% of weight emission standard	Annual
Once/3 years	Any test indicates a mass emission rate ≤50% of weight emission standard	Once/3 years
Once/3 years	Any test indicates mass emission rates between 50% and 80 % of weight emission standard	Once/2 years
Once/3 years	Any test indicates a mass emission rate ≥80% of weight emission standard	Annual

[45CSR§2-8.1., 45CSR§2A-5.2.]

- 4.3.2. Data collected during future periodic 45CSR2 mass emissions tests (under permit condition 4.3.1.) will be used to supplement the existing data set in order to verify the continuing appropriateness of the 10% indicator range value.

[45CSR§30-5.1.c. and 40 C.F.R. § 64.6(b)]

#### 4.4. Recordkeeping Requirements

- 4.4.1. Records of monitored data established in the monitoring plan (Appendix A) shall be maintained on site and shall be made available to the Secretary or his duly authorized representative upon request.

[45CSR§2-8.3.a.]

- 4.4.2. Records of the operating schedule and quantity and quality of fuel consumed in each fuel burning unit, shall be maintained on-site in a manner to be established by the Secretary and made available to the Secretary or his duly authorized representative upon request.

[45CSR§2-8.3.c.]

- 4.4.3. Records of the block 3-hour COMS opacity averages and corrective actions taken during excursions of the CAM plan indicator range shall be maintained on site and shall be made available to the Director or his duly authorized representative upon request. COMS performance data will be maintained in accordance with 40 C.F.R. Part 75 recordkeeping requirements.  
[45CSR§30-5.1.c.; 40 C.F.R. §64.9(b)]

- 4.4.4. **General recordkeeping requirements for 40 C.F.R. Part 64 (CAM)**  
The permittee shall comply with the recordkeeping requirements specified in permit conditions 3.3.1. and 3.3.2. The permittee shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to 40 C.F.R. §64.8 (condition 4.2.9.) and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under 40 C.F.R. Part 64 (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).  
[40 C.F.R. § 64.9(b); 45CSR§30-5.1.c.]

#### **4.5. Reporting Requirements**

- 4.5.1. A periodic exception report shall be submitted to the Secretary, in a manner and at a frequency to be established by the Secretary. Compliance with this periodic exception reporting requirement shall be demonstrated as outlined in sections I.A.4. and II.A.4. of the DAQ approved “45CSR2 and 45CSR10 Monitoring and Recordkeeping Plan” attached in Appendix B of this permit.  
[45CSR§2-8.3.b.]
- 4.5.2. Excess opacity periods, resulting from malfunctions, meeting the following conditions, may be reported on a quarterly basis unless otherwise required by the Secretary:
- a. The excess opacity period does not exceed thirty (30) minutes within any twenty-four (24) hour period; and
  - b. Excess opacity does not exceed forty percent (40%).
- [45CSR§2-9.3.a.]
- 4.5.3. Except as provided in permit condition 4.5.2. above, the owner or operator shall report to the Secretary by telephone, telefax, or e-mail any malfunction of the Boilers (Units 1 - 4) or their associated air pollution control equipment, which results in any excess particulate matter or excess opacity, by the end of the next business day after becoming aware of such condition. The owner or operator shall file a certified written report concerning the malfunction with the Secretary within thirty (30) days providing the following information:
- a. A detailed explanation of the factors involved or causes of the malfunction;
  - b. The date, and time of duration (with starting and ending times) of the period of excess emissions;
  - c. An estimate of the mass of excess emissions discharged during the malfunction period;
  - d. The maximum opacity measured or observed during the malfunction;



- e. Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction; and
- f. A detailed explanation of the corrective measures or program that will be implemented to prevent a recurrence of the malfunction and a schedule for such implementation.

**[45CSR§2-9.3.b.]**

- 4.5.4. The designated representative shall electronically report SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> emissions data and information as specified in 40 C.F.R. § 75.64 to the Administrator of USEPA, quarterly. Each electronic report must be submitted within thirty (30) days following the end of each calendar quarter.

**[45CSR33, 40 C.F.R. §75.64]**

- 4.5.5. Units 1, 2, 3, and 4 are Phase II Acid Rain affected units under 45CSR33, as defined by 40 C.F.R § 72.6, and as such is required to meet the requirements of 40 C.F.R. Parts 72, 73, 74, 75, 76, 77 and 78. These requirements include, but are not limited to:

- a. Hold an Acid Rain permit (Acid Rain Permit is included in Appendix B);
- b. Hold allowances, as of the allowance transfer deadline, in the unit's compliance sub-account of not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit;
- c. Comply with the applicable Acid Rain emissions for sulfur dioxide;
- d. Comply with the applicable Acid Rain emissions for nitrogen oxides;
- e. Comply with the monitoring requirements of 40 C.F.R. Part 75 and section 407 of the Clean Air Act of 1990 and regulations implementing section 407 of the Act;
- f. Submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 C.F.R. Part 72, Subpart I and 40 C.F.R. Part 75.

**[45CSR33, 40 C.F.R. Parts 72, 73, 74, 75, 76, 77, 78.]**

**4.5.6. General reporting requirements for 40 C.F.R. Part 64 (CAM)**

- a. On and after the date specified in 40 C.F.R. §64.7(a) by which the permittee must use monitoring that meets the requirements of 40 C.F.R. 64, the permittee shall submit monitoring reports to the DAQ in accordance with permit condition 3.4.6.
- b. A report for monitoring under 40 C.F.R. 64 shall include, at a minimum, the information required under permit condition 3.4.8. and the following information, as applicable:
  - i. Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
  - ii. Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable) provided in accordance with 40 C.F.R. Part 75; and



- iii. A description of the actions taken to implement a QIP during the reporting period as specified in 40 C.F.R. §64.8. Upon completion of a QIP, the permittee shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

[40 C.F.R. § 64.9(a); 45CSR§30-5.1.c.]

#### **4.6. Compliance Plan**

4.6.1. NA

## **5.0 Coal & Ash Handling [emission point ID(s): (*Emission points listed in section 1.1. Table*)]**

### **5.1. Limitations and Standards**

- 5.1.1. The Coal and Ash handling systems are subject to 45CSR§2-5 as outlined in the facility wide section of this permit (condition 3.1.12) regarding fugitive dust control system.
- 5.1.2. At all times, including periods of startup, shutdown, and malfunction, the coal and ash handling equipment (including associated air pollution control equipment) shall, to the extent practicable, be maintained and operated in a manner consistent with good air pollution control practice for minimizing emissions. Determination that acceptable operating and maintenance procedures are being used, will be based on information available to the Secretary which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.  
[45CSR§30-5.1.c.]

### **5.2. Monitoring Requirements**

- 5.2.1. The permittee shall inspect all dust control systems weekly during periods of normal facility operation. The permittee shall maintain records of all scheduled and non-scheduled maintenance and shall state any maintenance or corrective actions taken as a result of the weekly inspections, the times the dust control system(s) were inoperable and any corrective action taken.  
[45CSR§30-5.1.c.]

### **5.3. Recordkeeping Requirements**

- 5.3.1. See Permit condition 3.3.4.

## **6.0 Diesel Engine Fire Pumps [emission point ID(s): *Pump Engine 1, Pump Engine 2*]**

### **6.1. Limitations and Standards**

6.1.1. You must comply with the following requirements at all times<sup>1</sup>:

- a. Change oil and filter every 500 hours of operation or annually, whichever comes first.<sup>2</sup>
- b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary;
- c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.<sup>3</sup>
- d. During periods of startup, minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.

<sup>1</sup> If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the work practice requirements on the schedule required in Table 2c of 40 CFR 63 Subpart ZZZZ, or if performing the work practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the work practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The work practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform the work practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable.

<sup>2</sup> Sources have the option to utilize an oil analysis program as described in 40 CFR §63.6625(i) in order to extend the specified oil change requirement in Table 2c of 40 CFR 63 Subpart ZZZZ.

<sup>3</sup> Sources can petition the Administrator pursuant to the requirements of 40 CFR §63.6(g) for alternative work practices.

**[45CSR34; 40 CFR §§63.6605(a), 63.6625(h) & (i), and 63.6602; 40 CFR 63 Subpart ZZZZ Table 2c Item 1]**

- 6.1.2. At all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.  
**[45CSR34; 40 CFR §63.6605(b)]**

- 6.1.3. You must operate and maintain the fire pump engines according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.  
**[45CSR34; 40 CFR §§63.6625(e)(2), 63.6640(a); 40 CFR 63 Subpart ZZZZ Table 6 Item 9]**



- 6.1.4. You must install a non-resettable hour meter on the fire pump engines if one is not already installed.  
[45CSR34; 40 CFR §63.6625(f)]
- 6.1.5. **Requirements for emergency stationary RICE:** If you own or operate an emergency stationary RICE, you must operate the emergency stationary RICE according to the requirements in 6.1.5.a through c. In order for the engine to be considered an emergency stationary RICE under 40 CFR63 Subpart ZZZZ, any operation other than emergency operation, maintenance and testing and operation in non-emergency situations for 50 hours per year, as described in 6.1.5.a through c., is prohibited. If you do not operate the engine according to the requirements in 6.1.5.a through c., the engine will not be considered an emergency engine under Subpart ZZZZ and must meet all requirements for non-emergency engines.
- a. There is no time limit on the use of emergency stationary RICE in emergency situations.
  - b. You may operate your emergency stationary RICE for a maximum of 100 hours per calendar year for any combination of the purposes of maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Any operation for non-emergency situations as allowed by 6.1.5.c. counts as part of the 100 hours per calendar year allowed by this condition. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year.
  - c. Emergency stationary RICE located at major sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing provided in paragraph 6.1.5.b of this section.

[45CSR34; 40 CFR §63.6640(f)]

## **6.2. Monitoring Requirements**

- 6.2.1. Reserved

## **6.3. Testing Requirements**

- 6.3.1. Reserved

## **6.4. Recordkeeping Requirements**

- 6.4.1. For the fire pump engines, records must be kept as described below:
- a. Records must be kept as described below: A copy of each notification and report that you submitted to comply with this 40 CFR 63 Subpart ZZZZ, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in §63.10(b)(2)(xiv).  
[45CSR34; 40 CFR §63.6655(a)(1)]

- b. Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment.  
[45CSR34; 40 CFR §63.6655(a)(2)]
- c. Records of actions taken during periods of malfunction to minimize emissions in accordance with 40 CFR §63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.  
[45CSR34; 40 CFR §63.6655(a)(5)]
- d. You must keep the records required in Table 6 of 40 CFR 63 Subpart ZZZZ to show continuous compliance with each operating limitation that applies to you.  
[45CSR34; 40 CFR §63.6655(d)]
- e. You must keep records of the maintenance conducted on the fire pump engines in order to demonstrate that you operated and maintained the engine according to your own maintenance plan.  
[45CSR34; 40 CFR §63.6655(e)]
- f. You must keep records of the hours of operation of fire pump engines that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation.  
[45CSR34; 40 CFR §63.6655(f)]
- g. Records must be in a form suitable and readily available for expeditious review according to 40 CFR §63.10(b)(1).  
[45CSR34; 40 CFR §63.6660(a)]
- h. As specified in 40 CFR §63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.  
[45CSR34; 40 CFR §63.6660(b)]
- i. You must keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to 40 CFR §63.10(b)(1).  
[45CSR34; 40 CFR §63.6660(c)]

## 6.5. Reporting Requirements

- 6.5.1. You must report each instance in which you did not meet each requirement in Table 2c, to 40 CFR 63 Subpart ZZZZ for existing compression ignition stationary RICE located at a major source of HAP emissions that apply to you. (*The Table 2c requirements for "Pump Engine 1" and "Pump Engine 2" pertain to routine maintenance and repair and startup operations*). These instances are deviations from 40 CFR 63 Subpart ZZZZ and must be reported according to the requirements in 40 CFR §63.6650 (i.e., in the semiannual monitoring report required by condition 3.4.6.).  
[45CSR34; 40 CFR §§63.6640(b) and 63.6650(f)]
- 6.5.2. You must also report each instance in which you did not meet the requirements in Table 8 to 40 CFR 63 Subpart ZZZZ that apply to you.  
[45CSR34; 40 CFR §63.6640(e)]



## **6.6. Compliance Plan**

### **6.6.1. Reserved**

## **APPENDIX A**

### **45CSR2 and 45CSR10 Monitoring and Recordkeeping Plan**



## **45 CSR 2 and 45 CSR 10 Monitoring and Recordkeeping Plan**

### **Philip Sporn Plant**

#### **Facility Information:**

Facility Name: Philip Sporn Plant

Facility Address: P.O. Box 389  
State Route 33  
New Haven, WV 25265

Facility Environmental Contact: R.D.Thompson

#### **A. Facility Description:**

Philip Sporn (i.e. Sporn) Plant is a coal-fired electric generating facility with four operating and one retired main combustion units. Units 1, 2, 3 and 4 discharge through a common stack (CS014). Units 1, 2, 3, and 4 each have design heat inputs greater than 10 mmBTU/hr making both 45 CSR 2A (Interpretive Rule for 45 CSR 2) and 4 CSR 10A (Interpretive Rule for 45 CSR 10) applicable to these sources.

#### **I. 45 CSR 2 Monitoring Plan:**

In accordance with Section 8.2.a of 45 CSR 2, following is the proposed plan for monitoring compliance with opacity limits found in Section 3 of that rule:

##### **A. Main Stack (CS014)**

###### **1. Applicable Standard:**

**45 CSR 2, §3.1.** *No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any fuel burning unit which is greater than ten (10) percent opacity based on a six minute block average.*

###### **2. Monitoring Method(s):**

**45 CSR 2, §8.2.a.1.** *Direct measurement with a certified continuous opacity monitoring system (COMS) shall be deemed to satisfy the requirements for a monitoring plan. Such COMS shall be installed, calibrated, operated and maintained as specified in 40 CFR Part 60, Appendix B,*

*Performance Specification 1 (PS1). COMS meeting the requirements of 40 CFR Part 75 (Acid*

*Rain) will be deemed to have satisfied the requirements of PS1.*

- a. **Primary Monitoring Method:** The primary method of monitoring opacity at Sporn Plant will be Continuous Opacity Monitors (COMS). The COMS are installed, maintained and operated in compliance with requirements of 40 CFR Part 75.
- b. **Other Credible Monitoring Method(s):** While Sporn Plant will use COMS as the primary method of monitoring opacity on stack CS014 we are also reserving the right to use Method 9 readings or any other appropriate method that would produce credible data. These “other monitoring methods” will generally be used in the absence of COMS data or as other credible evidence used in conjunction with COMS data.

3. Recordkeeping:

a. **Operating Schedule and Quality/Quantity of Fuel Burned**

**45 CSR 2A §7.1.a.** *The owner or operator of a fuel burning unit(s) shall maintain records of the operating schedule, and the quality and quantity of fuel burned in each fuel burning unit as specified in paragraphs 7.1.a.1 through 7.1.a.6, as applicable.*

The applicable paragraphs for Sporn Plant are the following:

**§7.1.a.2:** *For fuel burning unit(s) which burn only distillate oil, such records shall include, but not be limited to, the date and time of start-up and shutdown, the quantity of fuel consumed on a monthly basis and a BTU analysis for each shipment.*

**§7.1.a.4:** *For fuel burning unit(s) which burn only coal, such records shall include, but not be limited to, the date and time of start-up and shutdown, the quantity of fuel consumed on a daily basis and an ash and BTU analysis for each shipment.*

**§7.1.a.6:** *For fuel burning unit(s) which burn a combination of fuels, the owner or operator shall comply with the applicable Recordkeeping requirements of paragraph 7.1.a.1 through 7.1.a.5 for each fuel burned.*

The date and time of each startup and shutdown of Units 1, 2, 3, and 4 will be maintained. The quantity of coal burned on a daily basis as well as the ash and Btu content will also be maintained. From a fuel oil perspective, the quantity of fuel oil burned on a monthly basis, as well as the Btu content will be maintained. The fuel oil analysis will generally be one that is provided by the supplier for a given shipment but in some cases, we may use independent sampling and analyses. The quantity of fuel oil burned on a monthly basis may be maintained on a facility wide basis.

b. **Record Maintenance**



**45 CSR 2A §7.1.b.** *Records of all required monitoring data and support information shall be maintained on-site for a period of at least five (5) years from the date of monitoring, sampling, measurement or reporting. Support information includes all calibration and maintenance records and all strip chart recordings for continuous monitoring instrumentation, and copies of all required reports.*

Records of all required monitoring data and support information will be maintained on-site for at least five (5) years. Support information includes all calibration and maintenance records and all strip chart recordings for continuous monitoring instrumentation, and copies of all required reports.

4. Exception Reporting:

a. **Particulate Mass Emissions:**

**45 CSR 2A, §7.2.a.** *With respect to excursions associated with measured emissions under Section 4 of 45CSR2, compliance with the reporting and testing requirements under the Appendix to 45CSR2 shall fulfill the requirement for a periodic exception report under subdivision 8.3.b. or 45CSR2.*

Sporn Plant will comply with the reporting and testing requirements specified under the Appendix to 45 CSR 2.

b. **Opacity:**

**45 CSR 2A, §7.2.b.** *COMS – In accordance with the provisions of this subdivision, each owner or operator employing COMS as the method of monitoring compliance with opacity limits shall submit a “COMS Summary Report” and/or an “Excursion and COMS Monitoring System Performance Report” to the Director on a quarterly basis; the Director may, on a case-by-case basis, require more frequent reporting if the Director deems it necessary to accurately assess the compliance status of the fuel burning unit(s). All reports shall be postmarked by the thirtieth (30th) day following the end of each calendar quarter. The COMS Summary Report shall contain the information and be in the format shown in Appendix B unless otherwise specified by the Director.*

**45 CSR 2A, §7.2.b.1.** *If the total duration of excursions for the reporting period is less than one percent (1%) of the total operating time for the reporting period and monitoring system downtime for the reporting period is less than five percent (5%) of the total operating time for the reporting period, the COMS Summary Report shall be submitted to the Director; the Excursion and COMS Monitoring System Performance report shall be maintained on-site and shall be submitted to the Director upon request.*

**45 CSR 2A, §7.2.b.2.** *If the total duration of excursions for the reporting period is one percent (1%) or greater of the total operating time for the reporting period or the total monitoring system downtime for the reporting period is five percent (5%) or greater of the total operating time for the reporting period, the COMS Summary Report and the Excursion and COMS Monitoring System Performance Report shall both be submitted to the Director.*

**45 CSR 2A, §7.2.b.3.** *The Excursion and COMS Monitoring System Performance Report shall be in a format approved by the Director and shall include, but not be limited to, the following information:*

**45 CSR 2A, §7.2.b.3.A.** *The magnitude of each excursion, and the date and time, including starting and ending times, of each excursion.*

**45 CSR 2A, §7.2.b.3.B.** *Specific identification of each excursion that occurs during start-ups, shutdowns, and malfunctions of the facility.*

**45 CSR 2A, §7.2.b.3.C.** *The nature and cause of any excursion (if known), and the corrective action taken and preventative measures adopted (if any).*

**45 CSR 2A, §7.2.b.3.D.** *The date and time identifying each period during which quality-controlled monitoring data was unavailable, except for zero and span checks, and the reason for data unavailability and the nature of the repairs or adjustments to the monitoring system.*

**45 CSR 2A, §7.2.b.3.E.** *When no excursions have occurred or there were no periods of quality-controlled data unavailability, and no monitoring systems were inoperative, repaired, or adjusted, such information shall be stated in the report.*

Attached, as Appendices A and B are sample copies of the COMS “Summary Report” and “Excess opacity and COM downtime report” that we plan on using to fulfill the opacity reporting requirements. The COMS “Summary Report” will satisfy the conditions under 45 CSR 2A, §7.2.b for the “COMS Summary Report” and will be submitted to the Director according to its requirements. The “Excess opacity and COM downtime report” satisfies the conditions under 45 CSR 2A, §7.2.b.3. for the “Excursion and COMS Monitoring System Performance Report”. The “Excess opacity and COM downtime report” shall be submitted to the Director following the conditions outlined in 45 CSR 2A, §7.2.b.1. and §7.2.b.2.

To the extent that an excursion is due to a malfunction, the reporting requirements in section 9 of 45CSR2 shall be followed – 45 CSR 2A, §7.2.d.



## **II. 45 CSR 10 Monitoring Plan:**

In accordance with Section 8.2.c of 45 CSR 10, following is the proposed plan for monitoring compliance with the sulfur dioxide weight emission standards expressed in Section 3 of that rule:

### **A. Main Stack (CS014)**

#### **1. Applicable Standard:**

**45 CSR 10, §3.3.e.** *For fuel burning units of the Philip Sporn Plant of Central Operating Company, located in Air Quality Control Region III, the product of 3.2 and the total design heat inputs for such units discharging through those stacks in million BTU's per hour.*

**45 CSR 10, §3.8.** *Compliance with the allowable sulfur dioxide emission limitations from fuel burning units shall be based on continuous twenty-four (24) hour averaging time...A continuous twenty-four (24) hour period is defined as one (1) calendar day.*

#### **2. Monitoring Method:**

**45 CSR 10, §8.2.c.1.** *The installation, operation and maintenance of a continuous monitoring system meeting the requirements 40 CFR Part 60, Appendix B, Performance Specification 2 (PS2) or Performance Specification 7 (PS7) shall be deemed to fulfill the requirements of a monitoring plan for a fuel burning unit(s), manufacturing process source(s) or combustion source(s). CEMS meeting the requirements of 40 CFR Part 75 (Acid Rain) will be deemed to have satisfied the requirements of PS2.*

- a. **Primary Monitoring Method:** The primary method of monitoring SO<sub>2</sub> mass emissions from CS014 will be Continuous Emissions Monitors (CEMS). Data used in evaluating the performance of the Sporn Units with the applicable standard will be unbiased, unsubstituted data as specified in definition 45 CSR 10A, §6.1.b.1. We are proposing that data capture of more than 50% constitute sufficient data for the daily mass emissions to be considered valid. The CEMS are installed, maintained and operated in compliance with requirements of 40 CFR Part 75. Because Units 1, 2, 3 and 4 discharge through a common stack (CS014) and all are "Type a" fuel burning units as defined in 45 CSR 10, the plant wide limit is the stack limit.
- b. **Other Credible Monitoring Method(s):** While Sporn Plant will use CEMS as the primary method of monitoring SO<sub>2</sub> mass emissions of stack CS014 we are also reserving the right to use ASTM compliant fuel sampling and analysis or any other appropriate method that would produce credible data. These "other monitoring methods" will generally be used in the absence of CEMS data or as other credible evidence used in conjunction with CEMS data.



### 3. Recordkeeping:

#### a. Operating Schedule and Quality/Quantity of Fuel Burned:

**45 CSR 10A, §7.1.a.** *Fuel burning units - The owner or operator of a fuel burning unit(s) shall maintain records of the operating schedule and the quality or quantity of fuel burned in each unit...*

**45 CSR 10A, §7.1.c.** *The owner or operator of a fuel burning unit or combustion source which utilizes CEMS shall be exempt from the provisions of subdivision 7.1.a. or 7.1.b, respectively.*

As such, Sporn plant will not maintain records of the operating schedule and the quality and quantity of fuel burned in each unit for purposes of meeting the requirements for a monitoring plan under 45 CSR 10. While fuel sampling and analysis may continue to be performed at this facility, it is done so at the discretion of the owner/operator and is not required by this monitoring plan for the purposes of indicating compliance with SO<sub>2</sub> standards.

#### b. Record Maintenance

**45 CSR 10A, §7.1.d.** *For fuel burning units, manufacturing process sources, and combustion sources, records of all required monitoring data as established in an approved monitoring plan and support information shall be maintained on-site for a period of at least five (5) years from the date of monitoring, sampling, measurement or reporting. Support information includes all calibration and maintenance records and all strip chart recordings for continuous monitoring instrumentation, and copies of all required reports.*

As such, CEMS records at Sporn Plant will be maintained for at least five years.

### 4. Exception Reporting:

**45 CSR 10A, §7.2.a.** *CEMS - Each owner or operator employing CEMS for an approved monitoring plan, shall submit a "CEMS Summary Report" and/or a "CEMS Excursion and Monitoring System Performance Report" to the Director quarterly; the Director may, on a case-by-case basis, require more frequent reporting if the Director deems it necessary to accurately assess the compliance status of the source. All reports shall be postmarked no later than forty-five (45) days following the end of each calendar quarter. The CEMS Summary Report shall contain the information and be in the format shown in Appendix A unless otherwise specified by the Director.*

**45 CSR 10A, §7.2.a.1.** *Submittal of 40 CFR Part 75 data in electronic data (EDR) format to the Director shall be deemed to satisfy the requirements of subdivision 7.2.a.*

As such, Sporn Plant will submit the 40 CFR 75 quarterly electronic data reports (EDRs) to the OAQ to meet the requirements for a CEMS Summary Report and the CEMS Excursion and Monitoring System Performance Report. The EDR reports will be submitted to the OAQ no later than 45 days following the end of the quarter.

When no excursions of the 24-hour SO<sub>2</sub> standard have occurred, such information shall be stated in the cover letter of the EDR submittal.

### **Revisions of Monitoring Plan:**

Sporn Plant reserves the right to periodically revise the conditions of this monitoring plan. Any revised plan will become effective only after approval by the OAQ.

### **Implementation of Monitoring Plan:**

Upon approval of this monitoring plan or any subsequent revisions to the plan, it is certain that a period of time will be necessary to implement new testing, monitoring, recordkeeping or reporting commitments. While some of the commitments will be implemented immediately, others may require a significant amount of implementation work (including training of personnel) that will not necessarily be undertaken until the plan has been approved by OAQ. The reason for delaying such implementation is so that the facility can be assured that the implementation work is not being spent on a commitment that will not be approved by the OAQ. Sporn plant is proposing that the requirements under this initial monitoring plan be implemented during a period of 3 months (at a minimum) after approval by OAQ with the actual effective date coinciding with the start of a quarterly reporting period. However, if the final monitoring plan requires significant equipment revisions or installation of new equipment, more time may be required. In any case, we ask that the OAQ work with the Sporn facility to reach a workable implementation date. Likewise, Sporn Plant and AEP are committed to working with the OAQ on a successful implementation.

## **APPENDIX B**

### Acid Rain Permit





west virginia department of environmental protection  
Division of Air Quality

## Phase II Acid Rain Permit

Plant Name: <b>Philip Sporn Power Station</b>		Permit #: <b>R33-3938-2017-4A</b>
Affected Unit(s): <b>11, 21, 31, 41</b>		
Operator: <b>Appalachian Power Company</b>		ORIS Code: <b>3938</b>
Effective Date	From: <b>January 1, 2013</b>	To: <b>December 31, 2017</b>

### Contents:

1. Statement of Basis.
2. SO<sub>2</sub> allowances allocated under this permit and NO<sub>x</sub> requirements for each affected unit.
3. Comments, notes and justifications regarding permit decisions and changes made to permit application forms during the review process, and any additional requirements or conditions.
4. The permit application forms submitted for this source, as corrected by the West Virginia Division of Air Quality. The owners and operators of the source must comply with the standard requirements and special provisions set forth in the application.

### 1. Statement of Basis

**Statutory and Regulatory Authorities:** In accordance with W. Va. Code §22-5-4(a)(16) and Titles IV and V of the Clean Air Act, the West Virginia Department of Environmental Protection, Division of Air Quality issues this permit pursuant to 45CSR33 and 45CSR30.

### Permit Approval

  
John A. Benedict, Director  
Division of Air Quality

  
Date

Promoting a healthy environment

West Virginia Department of Environmental Protection • Division of Air Quality

Plant Name: Philip Sporn Power Station	Permit #: R33-3938-2017-4A
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2. SO<sub>2</sub> Allocations and NO<sub>x</sub> Requirements for each affected unit

Unit No.	11
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SO <sub>2</sub> Allowances	Year				
	2013	2014	2015	2016	2017
Table 2 allowances, as adjusted by 40CFR Part 73	2434	2434	2434	2434	2434
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A
The number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO <sub>2</sub> allowance allocations identified in this permit (See 40 CFR §72.84).					

NO <sub>x</sub> Requirements	2013	2014	2015	2016	2017
NO <sub>x</sub> Limit (lb/mmBtu)	0.80	0.80	0.80	0.80	0.80
<p>Pursuant to 40 CFR §76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves five (5) NO<sub>x</sub> emissions averaging plans for this unit. Each plan is effective for one calendar year for the years 2013, 2014, 2015, 2016 and 2017. Under each plan, the unit's NO<sub>x</sub> emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.80 lb/mmBtu.</p> <p>Under the plan, the actual Btu-weighted annual average NO<sub>x</sub> emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO<sub>x</sub> emission rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR §76.5, 76.6 or 76.7, except that for early election units, the applicable emission limitations shall be under 40 CFR §76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR §76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.</p> <p>In accordance with 40 CFR §72.40(b)(2), approval of the averaging plan shall be final only when the Arkansas Department of Environmental Quality, Air Division, Indiana Department of Environmental Management, Office of Air Quality, the Kentucky Department for Environmental Protection, Division for Air Quality, the Ohio Environmental Protection Agency, Division of Air Pollution Control the Oklahoma Department of Environmental Quality, Air Quality Division, Virginia Department of Environmental Quality, Division of Air Quality and the Texas Commission on Environmental Quality, Office of Air have also approved this averaging plan.</p> <p>In addition to the described NO<sub>x</sub> compliance plans, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO<sub>x</sub> compliance plan and requirements covering excess emissions.</p>					

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

A permit modification application to include and approve a revised Phase II NO<sub>x</sub> Averaging Plan for the years 2013, 2014, 2015, 2016 and 2017 was received on December 26, 2012. This permit modification incorporates the requested revision.

4. Permit application forms:

Attached.

Approved: May 14, 2013

Philip Sporn – R33-3938-2017-4A – Page 2 of 5



West Virginia Department of Environmental Protection • Division of Air Quality

Plant Name: Philip Sporn Power Station	Permit #: R33-3938-2017-4A
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2. SO<sub>2</sub> Allocations and NO<sub>x</sub> Requirements for each affected unit

Unit No.	21
----------	----

SO <sub>2</sub> Allowances	Year				
	2013	2014	2015	2016	2017
Table 2 allowances, as adjusted by 40CFR Part 73	2048	2048	2048	2048	2048
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

The number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO<sub>2</sub> allowance allocations identified in this permit (See 40 CFR §72.84).

NO <sub>x</sub> Requirements	2013	2014	2015	2016	2017
NO <sub>x</sub> Limit (lb/mmBtu)	0.80	0.80	0.80	0.80	0.80

Pursuant to 40 CFR §76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves five (5) NO<sub>x</sub> emissions averaging plans for this unit. Each plan is effective for one calendar year for the years 2013, 2014, 2015, 2016 and 2017. Under each plan, the unit's NO<sub>x</sub> emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.80 lb/mmBtu.

Under the plan, the actual Btu-weighted annual average NO<sub>x</sub> emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO<sub>x</sub> emission rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR §76.5, 76.6 or 76.7, except that for early election units, the applicable emission limitations shall be under 40 CFR §76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR §76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.

In accordance with 40 CFR §72.40(b)(2), approval of the averaging plan shall be final only when the Arkansas Department of Environmental Quality, Air Division, Indiana Department of Environmental Management, Office of Air Quality, the Kentucky Department for Environmental Protection, Division for Air Quality, the Ohio Environmental Protection Agency, Division of Air Pollution Control, the Oklahoma Department of Environmental Quality, Air Quality Division, Virginia Department of Environmental Quality, Division of Air Quality and the Texas Commission on Environmental Quality, Office of Air have also approved this averaging plan.

In addition to the described NO<sub>x</sub> compliance plans, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO<sub>x</sub> compliance plan and requirements covering excess emissions.

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

A permit modification application to include and approve a revised Phase II NO<sub>x</sub> Averaging Plan for the years 2013, 2014, 2015, 2016 and 2017 was received on December 26, 2012. This permit modification incorporates the requested revision.

4. Permit application forms:

Attached.

Approved: May 14, 2013

Philip Sporn – R33-3938-2017-4A – Page 3 of 5



West Virginia Department of Environmental Protection • Division of Air Quality

Plant Name: Philip Sporn Power Station	Permit #: R33-3938-2017-4A
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2. SO<sub>2</sub> Allocations and NO<sub>x</sub> Requirements for each affected unit

Unit No.	31
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SO <sub>2</sub> Allowances	Year				
	2013	2014	2015	2016	2017
Table 2 allowances, as adjusted by 40CFR Part 73	2932	2932	2932	2932	2932
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A
The number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO <sub>2</sub> allowance allocations identified in this permit (See 40 CFR §72.84).					

NO <sub>x</sub> Requirements	2013	2014	2015	2016	2017
NO <sub>x</sub> Limit (lb/mmBtu)	0.80	0.80	0.80	0.80	0.80
<p>Pursuant to 40 CFR §76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves five (5) NO<sub>x</sub> emissions averaging plans for this unit. Each plan is effective for one calendar year for the years 2013, 2014, 2015, 2016 and 2017. Under each plan, the unit's NO<sub>x</sub> emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.80 lb/mmBtu.</p> <p>Under the plan, the actual Btu-weighted annual average NO<sub>x</sub> emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO<sub>x</sub> emission rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR §76.5, 76.6 or 76.7, except that for early election units, the applicable emission limitations shall be under 40 CFR §76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR §76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.</p> <p>In accordance with 40 CFR §72.40(b)(2), approval of the averaging plan shall be final only when the Arkansas Department of Environmental Quality, Air Division, Indiana Department of Environmental Management, Office of Air Quality, the Kentucky Department for Environmental Protection, Division for Air Quality, the Ohio Environmental Protection Agency, Division of Air Pollution Control the Oklahoma Department of Environmental Quality, Air Quality Division, Virginia Department of Environmental Quality, Division of Air Quality and the Texas Commission on Environmental Quality, Office of Air have also approved this averaging plan.</p> <p>In addition to the described NO<sub>x</sub> compliance plans, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO<sub>x</sub> compliance plan and requirements covering excess emissions.</p>					

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

A permit modification application to include and approve a revised Phase II NO<sub>x</sub> Averaging Plan for the years 2013, 2014, 2015, 2016 and 2017 was received on December 26, 2012. This permit modification incorporates the requested revision.

4. Permit application forms:

Attached

Approved: May 14, 2013

Philip Sporn – R33-3938-2017-4A – Page 4 of 5

West Virginia Department of Environmental Protection • Division of Air Quality

Plant Name: Philip Sporn Power Station	Permit #: R33-3938-2017-4A
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2. SO<sub>2</sub> Allocations and NO<sub>x</sub> Requirements for each affected unit

Unit No.	41
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SO <sub>2</sub> Allowances	Year				
	2013	2014	2015	2016	2017
Table 2 allowances, as adjusted by 40CFR Part 73	2302	2302	2302	2302	2302
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A
The number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO <sub>2</sub> allowance allocations identified in this permit (See 40 CFR §72.84).					

NO <sub>x</sub> Requirements	2013	2014	2015	2016	2017
NO <sub>x</sub> Limit (lb/mmBtu)	0.80	0.80	0.80	0.80	0.80
<p>Pursuant to 40 CFR §76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves five (5) NO<sub>x</sub> emissions averaging plans for this unit. Each plan is effective for one calendar year for the years 2013, 2014, 2015, 2016 and 2017. Under each plan, the unit's NO<sub>x</sub> emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.80 lb/mmBtu.</p> <p>Under the plan, the actual Btu-weighted annual average NO<sub>x</sub> emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO<sub>x</sub> emission rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR §76.5, 76.6 or 76.7, except that for early election units, the applicable emission limitations shall be under 40 CFR §76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR §76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.</p> <p>In accordance with 40 CFR §72.40(b)(2), approval of the averaging plan shall be final only when the Arkansas Department of Environmental Quality, Air Division, Indiana Department of Environmental Management, Office of Air Quality, the Kentucky Department for Environmental Protection, Division for Air Quality, the Ohio Environmental Protection Agency, Division of Air Pollution Control the Oklahoma Department of Environmental Quality, Air Quality Division, Virginia Department of Environmental Quality, Division of Air Quality and the Texas Commission on Environmental Quality, Office of Air have also approved this averaging plan.</p> <p>In addition to the described NO<sub>x</sub> compliance plans, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO<sub>x</sub> compliance plan and requirements covering excess emissions.</p>					

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

A permit modification application to include and approve a revised Phase II NO<sub>x</sub> Averaging Plan for the years 2013, 2014, 2015, 2016 and 2017 was received on December 26, 2012. This permit modification incorporates the requested revision.

4. Permit application forms:

Attached

Approved: May 14, 2013

Philip Sporn – R33-3938-2017-4A – Page 5 of 5





United States  
Environmental Protection Agency  
Acid Rain Program

OMB No. 2060-0258  
Approval expires 11/30/2012

## Acid Rain Permit Application

For more information, see instructions and 40 CFR 72.30 and 72.31.

This submission is: ☐ new ☐ revised ☒ for Acid Rain permit renewal



### STEP 1

Identify the facility name, State, and plant (ORIS) code

Facility (Source) Name	Phil Sporn	State	West Virginia	Plant Code	3938
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## STEP 2

Enter the unit ID#  
for every affected  
unit at the affected  
source in column "a"

[illegible]

EPA Form 7510-16 (Revised 12-2009)



Facility (Source) Name (from STEP 1)

Phil Sporn

Acid Rain - Page 2

### **Permit Requirements**

#### **STEP 3**

Read the standard requirements.

- (1) The designated representative of each affected source and each affected unit at the source shall:
  - (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
  - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
- (2) The owners and operators of each affected source and each affected unit at the source shall:
  - (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
  - (ii) Have an Acid Rain Permit.

### **Monitoring Requirements**

- (1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the source or unit, as appropriate, with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

### **Sulfur Dioxide Requirements**

- (1) The owners and operators of each source and each affected unit at the source shall:
  - (i) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
  - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
  - (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
  - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).

EPA Form 7610-16 (Revised 12-2009)

Acid Rain - Page 3

Phil Sporn  
Facility (Source) Name (from STEP 1)

### Sulfur Dioxide Requirements, Cont'd.

#### **STEP 3, Cont'd.**

- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

### Nitrogen Oxides Requirements

The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

### Excess Emissions Requirements

- (1) The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
- (2) The owners and operators of an affected source that has excess emissions in any calendar year shall:
- (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
  - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

### Recordkeeping and Reporting Requirements

- (1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
- (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;

EPA Form 7610-16 (Revised 12-2009)



Facility (Source) Name (from STEP 1)

Phil Sporn

Acid Rain - Page 4

**Recordkeeping and Reporting Requirements, Cont'd.**

**STEP 3, Cont'd.**

- (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
  - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
  - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

**Liability**

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
- (6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
- (7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

**Effect on Other Authorities**

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating



Acid Rain - Page 5

Phil Sporn
Facility (Source) Name (from STEP 1)

**Effect on Other Authorities, Cont'd.**

STEP 3, Cont'd.

to applicable National Ambient Air Quality Standards or State Implementation Plans;

(2) Limiting the number of allowances a source can hold; *provided*, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the Act.

(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;

(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,


(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

**Certification**

STEP 4

Read the  
certification  
statement,  
sign, and date.

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name John M. McManus	
Signature 	Date 6/8/12



United States  
Environmental Protection Agency  
Acid Rain Program

OMB No. 2060-0258  
Approval expires 11/30/2012

## Phase II NO<sub>x</sub> Compliance Plan

For more information, see instructions and refer to 40 CFR 76.9

This submission is: ☐ New ☒ Revised

Page 1 of 2

### STEP 1

Indicate plant name, State, and ORIS code from NADB, if applicable

Philip Sporn	WV	3938
Plant Name	State	ORIS Code

### STEP 2

Identify each affected Group 1 and Group 2 boiler using the boiler ID# from NADB, if applicable. Indicate boiler type: "CB" for cell burner, "CY" for cyclone, "DBW" for dry bottom wall-fired, "T" for tangentially fired, "V" for vertically fired, and "WB" for wet bottom. Indicate the compliance option selected for each unit.

	11	21	31	41		
ID#	11	21	31	41		
Type	V	V	V	V		
(a) Standard annual average emission limitation of 0.50 lb/mmBtu (for Phase I dry bottom wall-fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Standard annual average emission limitation of 0.45 lb/mmBtu (for Phase I tangentially fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) EPA-approved early election plan under 40 CFR 76.8 through 12/31/07 (also indicate above emission limit specified in plan)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Standard annual average emission limitation of 0.46 lb/mmBtu (for Phase II dry bottom wall-fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Standard annual average emission limitation of 0.40 lb/mmBtu (for Phase II tangentially fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Standard annual average emission limitation of 0.68 lb/mmBtu (for cell burner boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(g) Standard annual average emission limitation of 0.86 lb/mmBtu (for cyclone boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(h) Standard annual average emission limitation of 0.80 lb/mmBtu (for vertically fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(i) Standard annual average emission limitation of 0.84 lb/mmBtu (for wet bottom boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(j) NO <sub>x</sub> Averaging Plan (include NO <sub>x</sub> Averaging form)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(k) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(A) (check the standard emission limitation box above for most stringent limitation applicable to any unit utilizing stack)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(l) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(B) with NO <sub>x</sub> Averaging (check the NO <sub>x</sub> Averaging Plan box and include NO <sub>x</sub> Averaging form)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EPA Form 7610-28 (Revised 12-2009)



STEP 2, cont'd.

Philip Sporn						Page <u>2</u> of <u>2</u>
Plant Name (from Step 1)						
ID# <u>11</u>	ID# <u>21</u>	ID# <u>31</u>	ID# <u>41</u>	ID#	ID#	
Type <u>V</u>	Type <u>V</u>	Type <u>V</u>	Type <u>V</u>	Type	Type	
(m) EPA-approved common stack apportionment method pursuant to 40 CFR 75.17(a)(2)(i)(C), (a)(2)(ii)(B), or (b)(2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(n) AEL (include Phase II AEL Demonstration Period, Final AEL Petition, or AEL Renewal form as appropriate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(o) Petition for AEL demonstration period or final AEL under review by U.S. EPA or demonstration period ongoing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(p) Repowering extension plan approved or under review	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

STEP 3

Read the standard requirements and certification, enter the name of the designated representative, sign &

Standard Requirements

**General.** This source is subject to the standard requirements in 40 CFR 72.9 (consistent with 40 CFR 76.8(e)(1)(i)). These requirements are listed in this source's Acid Rain Permit.

Special Provisions for Early Election Units

**Nitrogen Oxides.** A unit that is governed by an approved early election plan shall be subject to an emissions limitation for NO<sub>x</sub> as provided under 40 CFR 76.8(a)(2) except as provided under 40 CFR 76.8(e)(3)(ii).

**Liability.** The owners and operators of a unit governed by an approved early election plan shall be liable for any violation of the plan or 40 CFR 76.8 at that unit. The owners and operators shall be liable, beginning January 1, 2000, for fulfilling the obligations specified in 40 CFR Part 77.

**Termination.** An approved early election plan shall be in effect only until the earlier of January 1, 2008 or January 1 of the calendar year for which a termination of the plan takes effect. If the designated representative of the unit under an approved early election plan fails to demonstrate compliance with the applicable emissions limitation under 40 CFR 76.5 for any year during the period beginning January 1 of the first year the early election takes effect and ending December 31, 2007, the permitting authority will terminate the plan. The termination will take effect beginning January 1 of the year after the year for which there is a failure to demonstrate compliance, and the designated representative may not submit a new early election plan. The designated representative of the unit under an approved early election plan may terminate the plan any year prior to 2008 but may not submit a new early election plan. In order to terminate the plan, the designated representative must submit a notice under 40 CFR 72.40(d) by January 1 of the year for which the termination is to take effect. If an early election plan is terminated any year prior to 2000, the unit shall meet, beginning January 1, 2000, the applicable emissions limitation for NO<sub>x</sub> for Phase II units with Group 1 boilers under 40 CFR 76.7. If an early election plan is terminated on or after 2000, the unit shall meet, beginning on the effective date of the termination, the applicable emissions limitation for NO<sub>x</sub> for Phase II units with Group 1 boilers under 40 CFR 76.7.

Certification

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name <u>John M. McManus</u>	
Signature <u>John M. McManus</u>	Date <u>12/17/2012</u>





United States  
Environmental Protection Agency  
Acid Rain Program

OMB No. 2060-0258  
Approval expires 11/30/2012

## Phase II NOx Averaging Plan

formation, see instructions and refer to 40 CFR 76.11

Page 1

This submission is ☐ New ☒ Revised

Page 1 of 4

### STEP 1

Identify the units participating in this averaging plan by plant name, State, and boiler ID# from NADB. In column (a), fill in each unit's applicable emission limitation from 40 CFR 76.5, 76.6, or 76.7. In column (b), assign an alternative contemporaneous annual emissions limitation (ACEL) in lb/mmBtu to each unit. In column (c), assign an annual heat input limitation in mmBtu to each unit. Continue to page 3 if necessary.

Plant Name	State	ID#	(a) Emission Limitation	(b) ACEL	(c) Annual Heat Input Limit
Big Sandy	KY	BSU1	0.46	0.46	5,183,000
Big Sandy	KY	BSU2	0.46	0.46	21,378,000
Cardinal	OH	1	0.68	0.68	41,432,600
Cardinal	OH	2	0.68	0.68	38,981,200
Cardinal	OH	3	0.46	0.46	36,818,000
Clinch River	VA	1	0.80	0.80	4,056,600
Clinch River	VA	2	0.80	0.80	4,113,800
Clinch River	VA	3	0.80	0.80	237,000
see page 3					

### STEP 2

Use the formula to enter the Btu-weighted annual emission rate averaged over the units if they are operated in accordance with the proposed averaging plan and the Btu-weighted annual average emission rate for the same units if they are operated in compliance with 40 CFR 76.5, 76.6, or 76.7. The former must be less than or equal to the latter.

Btu-weighted annual emission rate averaged over the units if they are operated in accordance with the proposed averaging plan

0.54

$$\frac{\sum_{i=1}^n (R_{ai} \times HI_i)}{\sum_{i=1}^n HI_i}$$

Btu-weighted annual average emission rate for same units operated in compliance with 40 CFR 76.5, 76.6 or 76.7

0.54

$$\frac{\sum_{i=1}^n (R_{bi} \times HI_i)}{\sum_{i=1}^n HI_i}$$

≤

Where,

$R_{ai}$  =

$R_{bi}$  =

$HI_i$  =

$n$  =

Alternative contemporaneous annual emission limitation for unit i, in lb/mmBtu, as specified in column (b) of Step 1.

Applicable emission limitation for unit i, in lb/mmBtu, as specified in column (a) of Step 1.

Annual heat input for unit i, in mmBtu, as specified in column (c) of Step 1.

Number of units in the averaging plan

Philip Sporn  
Plant Name (from Step 1)

NO<sub>x</sub> Averaging - Page 2

STEP 3

Mark one of  
the two options  
and enter dates.

☒ This plan is effective for calendar year 2013 through calendar year 2017  
unless notification to terminate the plan is given.

☐ Treat this plan as ☐ identical plans, each effective for one calendar year for the following calendar  
years: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ unless notification to terminate one or more of these  
plans is given.

STEP 4

Read the special  
provisions and  
certification, enter the  
name of the designated  
representative, and  
sign and date.

Special Provisions

Emission Limitations

Each affected unit in an approved averaging plan is in compliance with the Acid Rain emission limitation for  
NO<sub>x</sub> under the plan only if the following requirements are met:

- (i) For each unit, the unit's actual annual average emission rate for the calendar year, in lb/mmBtu, is less  
than or equal to its alternative contemporaneous annual emission limitation in the averaging plan, and
- (a) For each unit with an alternative contemporaneous emission limitation less stringent than the applicable  
emission limitation in 40 CFR 76.5, 76.6, or 76.7, the actual annual heat input for the calendar year does  
not exceed the annual heat input limit in the averaging plan,
- (b) For each unit with an alternative contemporaneous emission limitation more stringent than the  
applicable emission limitation in 40 CFR 76.5, 76.6, or 76.7, the actual annual heat input for the calendar  
year is not less than the annual heat input limit in the averaging plan, or
- (ii) If one or more of the units does not meet the requirements of (i), the designated representative shall  
demonstrate, in accordance with 40 CFR 76.11(d)(1)(ii)(A) and (B), that the actual Btu-weighted annual  
average emission rate for the units in the plan is less than or equal to the Btu-weighted annual average rate  
for the same units had they each been operated, during the same period of time, in compliance with the  
applicable emission limitations in 40 CFR 76.5, 76.6, or 76.7
- (iii) If there is a successful group showing of compliance under 40 CFR 76.11(d)(1)(ii)(A) and (B) for a  
calendar year, then all units in the averaging plan shall be deemed to be in compliance for that year with  
their alternative contemporaneous emission limitations and annual heat input limits under (i).

Liability

The owners and operators of a unit governed by an approved averaging plan shall be liable for any  
violation of the plan or this section at that unit or any other unit in the plan, including liability for fulfilling the  
obligations specified in part 77 of this chapter and sections 113 and 411 of the Act.

Termination

The designated representative may submit a notification to terminate an approved averaging plan, in  
accordance with 40 CFR 72.40(d), no later than October 1 of the calendar year for which the plan is to be  
terminated.

Certification

I am authorized to make this submission on behalf of the owners and operators of the affected source or  
affected units for which the submission is made. I certify under penalty of law that I have personally  
examined, and am familiar with, the statements and information submitted in this document and all its  
attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the  
information, I certify that the statements and information are to the best of my knowledge and belief true,  
accurate, and complete. I am aware that there are significant penalties for submitting false statements and  
information or omitting required statements and information, including the possibility of fine or  
imprisonment.

John M. McManus	
Name	
Signature <i>John M. McManus</i>	Date 12/17/2012



NO<sub>x</sub> Averaging - Page 3

Plant Name	State	ID#	Emission Limitation	(a)	(b)	Annual Heat Input Limit
				All Contemp Emission Limitation	(c)	
Conesville	OH	4	0.45	0.45	20,621,149	
Conesville	OH	5	0.40	0.40	16,355,200	
Conesville	OH	6	0.40	0.40	15,774,600	
Flint Creek	AR	1	0.46	0.46	33,727,600	
Gavin	OH	1	0.68	0.68	72,800,400	
Gavin	OH	2	0.68	0.68	74,558,000	
Glen Lyn	VA	51	0.40	0.40	92,500	
Glen Lyn	VA	52	0.40	0.40	92,500	
Glen Lyn	VA	6	0.46	0.46	413,000	
H. W. Pirkey	TX	1	0.46	0.46	50,944,820	
John E. Amos	WV	1	0.46	0.46	45,628,800	
John E. Amos	WV	2	0.46	0.46	48,398,200	
John E. Amos	WV	3	0.68	0.68	78,137,000	
Kammer	WV	1	0.86	0.86	6,817,500	
Kammer	WV	2	0.86	0.86	7,397,500	
Kammer	WV	3	0.86	0.86	2,485,500	
Kanawha River	WV	1	0.80	0.80	7,751,500	
Kanawha River	WV	2	0.80	0.80	7,131,000	
Mitchell	WV	1	0.50	0.50	46,424,400	
Mitchell	WV	2	0.50	0.50	47,334,600	
Mountaineer	WV	1	0.46	0.46	75,779,800	
Muskingum River	OH	1	0.84	0.84	793,000	
Muskingum River	OH	2	0.84	0.84	1,816,649	
Muskingum River	OH	3	0.86	0.86	7,420,000	
Muskingum River	OH	4	0.86	0.86	1,978,858	
Muskingum River	OH	5	0.68	0.68	4,350,500	
Northeastern	OK	3313	0.40	0.40	30,914,400	



NO<sub>x</sub> Averaging - Page 4[illegible]

## APPENDIX C

DAQ letter dated September 3, 2002 regarding  
Thermal Decomposition of Boiler Cleaning Solution



Division of Air Quality  
7012 MacCorkle Avenue, SE  
Charleston, WV 25304-2943  
Telephone Number: (304) 926-3647  
Fax Number: (304) 926-3739

## West Virginia Department of Environmental Protection

Bob Wise  
Governor

Michael O. Callaghan  
Cabinet Secretary

Mr. Greg Wooten  
Senior Engineer  
American Electric Power  
1 Riverside Plaza  
Columbus, Ohio 43215-2373

September 3, 2002

Dear Mr. Wooten:

**RE: Thermal Decomposition of Boiler Cleaning Solution at AEP Facilities (i.e. Kammer, Mitchell, Mountaineer, Philip Sporn, Amos or Kanawha River Plants)**

Based on the information you provided by email dated August 19, 2002, subsequent phone conversations, and email dated September 3, 2002, (copies attached) the Division is granting approval for AEP to thermally decompose boiler cleaning solution in the boilers at the AEP facilities identified above.

The DAQ is granting approval for AEP to thermally decompose boiler cleaning solution at the AEP facilities identified above, on an as needed and pre-approved basis, subject to the DAQ notification requirements, as outlined in the attached document titled "American Electric Power Boiler Chemical Cleaning Process Evaporation Notification Procedure", as revised.

If you have any questions regarding this matter please contact Laura Mae Crowder of my staff at (304) 926-3647.

Sincerely,

  
Jesse D. Adkins  
Assistant Director of Enforcement  
Division of Air Quality

cc: file



West Virginia Department  
of Environmental Protection

"Promoting a healthy environment."



## **AMERICAN ELECTRIC POWER BOILER CHEMICAL CLEANING PROCESS EVAPORATION NOTIFICATION PROCEDURE**

- Step 1. The spent boiler chemical cleaning process liquid will be collected and stored on site in temporary (frac) tanks and/or permanently installed Metal Cleaning storage tanks. One sample will be collected for laboratory analysis from each storage tank, unless the tanks were manifolded together such that a number of tanks were filled simultaneously, resulting in the co-mingling of the solution in those tanks; in which case, one representative sample may be collected from each group of tanks that were manifolded together. The analyses from the tanks will be used to determine the hazard characteristics of the total volume of material.
- Step 2. Upon receipt and assessment of the laboratory TCLP analyses, the hazard characteristics of the spent cleaning solution will be determined. Upon being confirmed non-hazardous, the "AEP facility" (i.e. Kammer, Mitchell, Mountaineer, Philip Sporn, Amos, or Kanawha River Plant) will proceed with the process to thermally decompose (evaporate) the spent material in a boiler on site.
- Step 3. The AEP facility will notify West Virginia DAQ by telephone, facsimile or email on or before the day of scheduled commencement for the evaporation of the non-hazardous spent cleaning solution. AEP will submit via facsimile to the Compliance and Enforcement Section of the DAQ, a minimum of one (1) business day prior to commencement of the thermal decomposition process, the following information:
- ♦ The results of the laboratory TCLP analyses
  - ♦ The volume of spent cleaning solution to be evaporated
  - ♦ The designated boiler(s) in which the spent cleaning solution will be evaporated
  - ♦ The expected schedule for completing the process
- Step 4. AEP will perform evaporation of the spent cleaning solution in the designated boiler(s) in accordance with the appropriate chemical cleaning process document (e.g. "Kammer/Mitchell Plant Chemical Cleaning Process") and this notification procedure.

## **APPENDIX D**

### Transport Rule Requirements



## Transport Rule (TR) Trading Program Title V Requirements

Plant Name: <b>Philip Sporn Plant</b>	West Virginia ID Number: <b>053-00001</b>	ORIS/Facility Code: <b>3938</b>
---------------------------------------	-------------------------------------------	---------------------------------

The TR subject unit(s), and the unit-specific monitoring provisions at this source, are identified in the following table(s). These unit(s) are subject to the requirements for the *TR NO<sub>x</sub> Annual Trading Program*, *TR NO<sub>x</sub> Ozone Season Trading Program*, and the *TR SO<sub>2</sub> Group 1 Trading Program*.

Unit ID: <b>Unit 1, Unit 2, Unit 3, Unit4</b>					
Parameter	Continuous emission monitoring system or systems (CEMS) requirements pursuant to 40 CFR part 75, subpart B (for SO <sub>2</sub> monitoring) and 40 CFR part 75, subpart H (for NO <sub>x</sub> monitoring)	Excepted monitoring system requirements for gas- and oil-fired units pursuant to 40 CFR part 75, appendix D	Excepted monitoring system requirements for gas- and oil-fired peaking units pursuant to 40 CFR part 75, appendix E	Low Mass Emissions excepted monitoring (LME) requirements for gas- and oil-fired units pursuant to 40 CFR 75.19	EPA-approved alternative monitoring system requirements pursuant to 40 CFR part 75, subpart E
SO <sub>2</sub>	X		-----		
NO <sub>x</sub>	X	-----			
Heat input	X		-----		

- The above description of the monitoring used by a unit does not change, create an exemption from, or otherwise affect the monitoring, recordkeeping, and reporting requirements applicable to the unit under 40 CFR 97.430 through 97.435, (*TR NO<sub>x</sub> Annual Trading Program*), 97.530 through 97.535 (*TR NO<sub>x</sub> Ozone Season Trading Program*) and, 97.630 through 97.635 (*TR SO<sub>2</sub> Group 1 Trading Program*). The monitoring, recordkeeping and reporting requirements applicable to each unit are included below in the standard conditions for the applicable TR trading programs.
- Owners and operators must submit to the Administrator a monitoring plan for each unit in accordance with 40 CFR 75.53, 75.62 and 75.73, as applicable. The monitoring plan for each unit is available at the EPA's website at <http://www.epa.gov/airmarkets/emissions/monitoringplans.html>.
- Owners and operators that want to use an alternative monitoring system must submit to the Administrator a petition requesting approval of the alternative monitoring system in accordance with 40 CFR part 75, subpart E and 40 CFR 75.66 and 97.435 (*TR NO<sub>x</sub> Annual Trading Program*), 97.535 (*TR NO<sub>x</sub> Ozone Season Trading Program*) and/or, 97.635 (*TR SO<sub>2</sub> Group 1 Trading Program*). The Administrator's response approving or disapproving any petition for an alternative monitoring system is available on the EPA's website at <http://www.epa.gov/airmarkets/emissions/petitions.html>.
- Owners and operators that want to use an alternative to any monitoring, recordkeeping, or reporting requirement under 40 CFR 97.430 through 97.434 (*TR NO<sub>x</sub> Annual Trading Program*), 97.530 through 97.534 (*TR NO<sub>x</sub> Ozone Season Trading Program*) and/or, 97.630 through 97.634 (*TR SO<sub>2</sub> Group 1 Trading Program*) must submit to the Administrator a petition requesting approval of the alternative in accordance with 40 CFR 75.66 and 97.435 (*TR NO<sub>x</sub> Annual Trading Program*), 97.535 (*TR NO<sub>x</sub> Ozone Season Trading Program*) and/or 97.635 (*TR SO<sub>2</sub> Group 1 Trading Program*). The Administrator's response approving or disapproving any petition for an alternative to a monitoring, recordkeeping, or reporting requirement is available on EPA's website at <http://www.epa.gov/airmarkets/emissions/petitions.html>.
- The descriptions of monitoring applicable to the unit included above meet the requirement of 40 CFR 97.430 through 97.434 (*TR NO<sub>x</sub> Annual Trading Program*), 97.530 through 97.534 (*TR NO<sub>x</sub> Ozone Season Trading Program*) and/or, 97.630 through 97.634 (*TR SO<sub>2</sub> Group 1 Trading Program*), and therefore minor permit modification procedures, in accordance with 40 CFR 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B), may be used to add to or change this unit's monitoring system description.



**TR NO<sub>x</sub> Annual Trading Program requirements (40 CFR 97.406)**

**(a) Designated representative requirements.**

The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.413 through 97.418.

**(b) Emissions monitoring, reporting, and recordkeeping requirements.**

- (1) The owners and operators, and the designated representative, of each TR NO<sub>x</sub> Annual source and each TR NO<sub>x</sub> Annual unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.430 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.431 (initial monitoring system certification and recertification procedures), 97.432 (monitoring system out-of-control periods), 97.433 (notifications concerning monitoring), 97.434 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.435 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
- (2) The emissions data determined in accordance with 40 CFR 97.430 through 97.435 shall be used to calculate allocations of TR NO<sub>x</sub> Annual allowances under 40 CFR 97.411(a)(2) and (b) and 97.412 and to determine compliance with the TR NO<sub>x</sub> Annual emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.430 through 97.435 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

**(c) NO<sub>x</sub> emissions requirements.**

**(1) TR NO<sub>x</sub> Annual emissions limitation.**

- (i). As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR NO<sub>x</sub> Annual source and each TR NO<sub>x</sub> Annual unit at the source shall hold, in the source's compliance account, TR NO<sub>x</sub> Annual allowances available for deduction for such control period under 40 CFR 97.424(a) in an amount not less than the tons of total NO<sub>x</sub> emissions for such control period from all TR NO<sub>x</sub> Annual units at the source.
- (ii). If total NO<sub>x</sub> emissions during a control period in a given year from the TR NO<sub>x</sub> Annual units at a TR NO<sub>x</sub> Annual source are in excess of the TR NO<sub>x</sub> Annual emissions limitation set forth in paragraph (c)(1)(i) above, then:
  - (A). The owners and operators of the source and each TR NO<sub>x</sub> Annual unit at the source shall hold the TR NO<sub>x</sub> Annual allowances required for deduction under 40 CFR 97.424(d); and
  - (B). The owners and operators of the source and each TR NO<sub>x</sub> Annual unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart AAAAA and the Clean Air Act.

**(2) TR NO<sub>x</sub> Annual assurance provisions.**

- (i). If total NO<sub>x</sub> emissions during a control period in a given year from all TR NO<sub>x</sub> Annual units at TR NO<sub>x</sub> Annual sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO<sub>x</sub> emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) TR NO<sub>x</sub> Annual allowances available for deduction for such control period under 40 CFR 97.425(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.425(b), of multiplying— (A) The quotient of the amount by which the common designated representative's share of such NO<sub>x</sub> emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such NO<sub>x</sub> emissions exceeds the respective common designated representative's assurance level; and (B) The amount by which total



- NO<sub>x</sub> emissions from all TR NO<sub>x</sub> Annual units at TR NO<sub>x</sub> Annual sources in the state for such control period exceed the state assurance level.
- (ii). The owners and operators shall hold the TR NO<sub>x</sub> Annual allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
  - (iii). Total NO<sub>x</sub> emissions from all TR NO<sub>x</sub> Annual units at TR NO<sub>x</sub> Annual sources in the State during a control period in a given year exceed the state assurance level if such total NO<sub>x</sub> emissions exceed the sum, for such control period, of the state NO<sub>x</sub> Annual trading budget under 40 CFR 97.410(a) and the state's variability limit under 40 CFR 97.410(b).
  - (iv). It shall not be a violation of 40 CFR part 97, subpart AAAAA or of the Clean Air Act if total NO<sub>x</sub> emissions from all TR NO<sub>x</sub> Annual units at TR NO<sub>x</sub> Annual sources in the State during a control period exceed the state assurance level or if a common designated representative's share of total NO<sub>x</sub> emissions from the TR NO<sub>x</sub> Annual units at TR NO<sub>x</sub> Annual sources in the state during a control period exceeds the common designated representative's assurance level.
  - (v). To the extent the owners and operators fail to hold TR NO<sub>x</sub> Annual allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) above,
    - (A). The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
    - (B). Each TR NO<sub>x</sub> Annual allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart AAAAA and the Clean Air Act.
- (3) Compliance periods.
- (i). A TR NO<sub>x</sub> Annual unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of January 1, 2015, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.
  - (ii). A TR NO<sub>x</sub> Annual unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.
- (4) Vintage of allowances held for compliance.
- (i). A TR NO<sub>x</sub> Annual allowance held for compliance with the requirements under paragraph (c)(1)(i) above for a control period in a given year must be a TR NO<sub>x</sub> Annual allowance that was allocated for such control period or a control period in a prior year.
  - (ii). A TR NO<sub>x</sub> Annual allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (2)(i) through (iii) above for a control period in a given year must be a TR NO<sub>x</sub> Annual allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
- (5) Allowance Management System requirements. Each TR NO<sub>x</sub> Annual allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart AAAAA.
- (6) Limited authorization. A TR NO<sub>x</sub> Annual allowance is a limited authorization to emit one ton of NO<sub>x</sub> during the control period in one year. Such authorization is limited in its use and duration as follows:
- (i). Such authorization shall only be used in accordance with the TR NO<sub>x</sub> Annual Trading Program; and
  - (ii). Notwithstanding any other provision of 40 CFR part 97, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- (7) Property right. A TR NO<sub>x</sub> Annual allowance does not constitute a property right.
- (d) Title V permit revision requirements.**
- (1) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR NO<sub>x</sub> Annual allowances in accordance with 40 CFR part 97, subpart AAAAA.



- (2) This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.430 through 97.435, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR 75.19), and an alternative monitoring system (pursuant to 40 CFR part 75, subpart E). Therefore, the Description of TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 CFR 97.406(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).
- (e) Additional recordkeeping and reporting requirements.**
- (1) Unless otherwise provided, the owners and operators of each TR NO<sub>x</sub> Annual source and each TR NO<sub>x</sub> Annual unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
- (i). The certificate of representation under 40 CFR 97.416 for the designated representative for the source and each TR NO<sub>x</sub> Annual unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.416 changing the designated representative.
- (ii). All emissions monitoring information, in accordance with 40 CFR part 97, subpart AAAAA.
- (iii). Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the TR NO<sub>x</sub> Annual Trading Program.
- (2) The designated representative of a TR NO<sub>x</sub> Annual source and each TR NO<sub>x</sub> Annual unit at the source shall make all submissions required under the TR NO<sub>x</sub> Annual Trading Program, except as provided in 40 CFR 97.418. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.
- (f) Liability.**
- (1) Any provision of the TR NO<sub>x</sub> Annual Trading Program that applies to a TR NO<sub>x</sub> Annual source or the designated representative of a TR NO<sub>x</sub> Annual source shall also apply to the owners and operators of such source and of the TR NO<sub>x</sub> Annual units at the source.
- (2) Any provision of the TR NO<sub>x</sub> Annual Trading Program that applies to a TR NO<sub>x</sub> Annual unit or the designated representative of a TR NO<sub>x</sub> Annual unit shall also apply to the owners and operators of such unit.
- (g) Effect on other authorities.**
- No provision of the TR NO<sub>x</sub> Annual Trading Program or exemption under 40 CFR 97.405 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR NO<sub>x</sub> Annual source or TR NO<sub>x</sub> Annual unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.



**TR NO<sub>x</sub> Ozone Season Trading Program Requirements (40 CFR 97.506)**

**(a) Designated representative requirements.**

The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.513 through 97.518.

**(b) Emissions monitoring, reporting, and recordkeeping requirements.**

- (1) The owners and operators, and the designated representative, of each TR NO<sub>x</sub> Ozone Season source and each TR NO<sub>x</sub> Ozone Season unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.530 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.531 (initial monitoring system certification and recertification procedures), 97.532 (monitoring system out-of-control periods), 97.533 (notifications concerning monitoring), 97.534 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.535 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
- (2) The emissions data determined in accordance with 40 CFR 97.530 through 97.535 shall be used to calculate allocations of TR NO<sub>x</sub> Ozone Season allowances under 40 CFR 97.511(a)(2) and (b) and 97.512 and to determine compliance with the TR NO<sub>x</sub> Ozone Season emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.530 through 97.535 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

**(c) NO<sub>x</sub> emissions requirements.**

**(1) TR NO<sub>x</sub> Ozone Season emissions limitation.**

- (i). As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR NO<sub>x</sub> Ozone Season source and each TR NO<sub>x</sub> Ozone Season unit at the source shall hold, in the source's compliance account, TR NO<sub>x</sub> Ozone Season allowances available for deduction for such control period under 40 CFR 97.524(a) in an amount not less than the tons of total NO<sub>x</sub> emissions for such control period from all TR NO<sub>x</sub> Ozone Season units at the source.
- (ii). If total NO<sub>x</sub> emissions during a control period in a given year from the TR NO<sub>x</sub> Ozone Season units at a TR NO<sub>x</sub> Ozone Season source are in excess of the TR NO<sub>x</sub> Ozone Season emissions limitation set forth in paragraph (c)(1)(i) above, then:
  - (A). The owners and operators of the source and each TR NO<sub>x</sub> Ozone Season unit at the source shall hold the TR NO<sub>x</sub> Ozone Season allowances required for deduction under 40 CFR 97.524(d); and
  - (B). The owners and operators of the source and each TR NO<sub>x</sub> Ozone Season unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart BBBBBB and the Clean Air Act.

**(2) TR NO<sub>x</sub> Ozone Season assurance provisions.**

- (i). If total NO<sub>x</sub> emissions during a control period in a given year from all TR NO<sub>x</sub> Ozone Season units at TR NO<sub>x</sub> Ozone Season sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO<sub>x</sub> emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) TR NO<sub>x</sub> Ozone Season allowances available for deduction for such control period under 40 CFR 97.525(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.525(b), of multiplying—
  - (A). The quotient of the amount by which the common designated representative's share of such NO<sub>x</sub> emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state



- for such control period, by which each common designated representative's share of such NO<sub>x</sub> emissions exceeds the respective common designated representative's assurance level; and
- (B). The amount by which total NO<sub>x</sub> emissions from all TR NO<sub>x</sub> Ozone Season units at TR NO<sub>x</sub> Ozone Season sources in the state for such control period exceed the state assurance level.
- (ii). The owners and operators shall hold the TR NO<sub>x</sub> Ozone Season allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
- (iii). Total NO<sub>x</sub> emissions from all TR NO<sub>x</sub> Ozone Season units at TR NO<sub>x</sub> Ozone Season sources in the state during a control period in a given year exceed the state assurance level if such total NO<sub>x</sub> emissions exceed the sum, for such control period, of the State NO<sub>x</sub> Ozone Season trading budget under 40 CFR 97.510(a) and the state's variability limit under 40 CFR 97.510(b).
- (iv). It shall not be a violation of 40 CFR part 97, subpart BBBBB or of the Clean Air Act if total NO<sub>x</sub> emissions from all TR NO<sub>x</sub> Ozone Season units at TR NO<sub>x</sub> Ozone Season sources in the state during a control period exceed the state assurance level or if a common designated representative's share of total NO<sub>x</sub> emissions from the TR NO<sub>x</sub> Ozone Season units at TR NO<sub>x</sub> Ozone Season sources in the state during a control period exceeds the common designated representative's assurance level.
- (v). To the extent the owners and operators fail to hold TR NO<sub>x</sub> Ozone Season allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) above,
- (A). The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
- (B). Each TR NO<sub>x</sub> Ozone Season allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart BBBBB and the Clean Air Act.
- (3) Compliance periods.
- (i). A TR NO<sub>x</sub> Ozone Season unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of May 1, 2015 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.530(b) and for each control period thereafter.
- (ii). A TR NO<sub>x</sub> Ozone Season unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.530(b) and for each control period thereafter.
- (4) Vintage of allowances held for compliance.
- (i). A TR NO<sub>x</sub> Ozone Season allowance held for compliance with the requirements under paragraph (c)(1)(i) above for a control period in a given year must be a TR NO<sub>x</sub> Ozone Season allowance that was allocated for such control period or a control period in a prior year.
- (ii). A TR NO<sub>x</sub> Ozone Season allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (2)(i) through (iii) above for a control period in a given year must be a TR NO<sub>x</sub> Ozone Season allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
- (5) Allowance Management System requirements. Each TR NO<sub>x</sub> Ozone Season allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart BBBBB.
- (6) Limited authorization. A TR NO<sub>x</sub> Ozone Season allowance is a limited authorization to emit one ton of NO<sub>x</sub> during the control period in one year. Such authorization is limited in its use and duration as follows:
- (i). Such authorization shall only be used in accordance with the TR NO<sub>x</sub> Ozone Season Trading Program; and
- (ii). Notwithstanding any other provision of 40 CFR part 97, subpart BBBBB, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- (7) Property right. A TR NO<sub>x</sub> Ozone Season allowance does not constitute a property right.
- (d) Title V permit revision requirements.**



- (1) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR NO<sub>x</sub> Ozone Season allowances in accordance with 40 CFR part 97, subpart BBBBB.
  - (2) This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.530 through 97.535, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR 75.19), and an alternative monitoring system (pursuant to 40 CFR part 75, subpart E). Therefore, the Description of TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 CFR 97.506(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).
- (e) Additional recordkeeping and reporting requirements.**
- (1) Unless otherwise provided, the owners and operators of each TR NO<sub>x</sub> Ozone Season source and each TR NO<sub>x</sub> Ozone Season unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
    - (i). The certificate of representation under 40 CFR 97.516 for the designated representative for the source and each TR NO<sub>x</sub> Ozone Season unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.516 changing the designated representative.
    - (ii). All emissions monitoring information, in accordance with 40 CFR part 97, subpart BBBBB.
    - (iii). Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the TR NO<sub>x</sub> Ozone Season Trading Program.
  - (2) The designated representative of a TR NO<sub>x</sub> Ozone Season source and each TR NO<sub>x</sub> Ozone Season unit at the source shall make all submissions required under the TR NO<sub>x</sub> Ozone Season Trading Program, except as provided in 40 CFR 97.518. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.
- (f) Liability.**
- (1) Any provision of the TR NO<sub>x</sub> Ozone Season Trading Program that applies to a TR NO<sub>x</sub> Ozone Season source or the designated representative of a TR NO<sub>x</sub> Ozone Season source shall also apply to the owners and operators of such source and of the TR NO<sub>x</sub> Ozone Season units at the source.
  - (2) Any provision of the TR NO<sub>x</sub> Ozone Season Trading Program that applies to a TR NO<sub>x</sub> Ozone Season unit or the designated representative of a TR NO<sub>x</sub> Ozone Season unit shall also apply to the owners and operators of such unit.
- (g) Effect on other authorities.**
- No provision of the TR NO<sub>x</sub> Ozone Season Trading Program or exemption under 40 CFR 97.505 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR NO<sub>x</sub> Ozone Season source or TR NO<sub>x</sub> Ozone Season unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.



**TR SO<sub>2</sub> Group 1 Trading Program requirements (40 CFR 97.606)**

**(a) Designated representative requirements.**

The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.613 through 97.618.

**(b) Emissions monitoring, reporting, and recordkeeping requirements.**

- (1) The owners and operators, and the designated representative, of each TR SO<sub>2</sub> Group 1 source and each TR SO<sub>2</sub> Group 1 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.630 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.631 (initial monitoring system certification and recertification procedures), 97.632 (monitoring system out-of-control periods), 97.633 (notifications concerning monitoring), 97.634 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.635 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
- (2) The emissions data determined in accordance with 40 CFR 97.630 through 97.635 shall be used to calculate allocations of TR SO<sub>2</sub> Group 1 allowances under 40 CFR 97.611(a)(2) and (b) and 97.612 and to determine compliance with the TR SO<sub>2</sub> Group 1 emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.630 through 97.635 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

**(c) SO<sub>2</sub> emissions requirements.**

**(1) TR SO<sub>2</sub> Group 1 emissions limitation.**

- (i). As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR SO<sub>2</sub> Group 1 source and each TR SO<sub>2</sub> Group 1 unit at the source shall hold, in the source's compliance account, TR SO<sub>2</sub> Group 1 allowances available for deduction for such control period under 40 CFR 97.624(a) in an amount not less than the tons of total SO<sub>2</sub> emissions for such control period from all TR SO<sub>2</sub> Group 1 units at the source.
- (ii). If total SO<sub>2</sub> emissions during a control period in a given year from the TR SO<sub>2</sub> Group 1 units at a TR SO<sub>2</sub> Group 1 source are in excess of the TR SO<sub>2</sub> Group 1 emissions limitation set forth in paragraph (c)(1)(i) above, then:
  - (A). The owners and operators of the source and each TR SO<sub>2</sub> Group 1 unit at the source shall hold the TR SO<sub>2</sub> Group 1 allowances required for deduction under 40 CFR 97.624(d); and
  - (B). The owners and operators of the source and each TR SO<sub>2</sub> Group 1 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation 40 CFR part 97, subpart CCCCC and the Clean Air Act.

**(2) TR SO<sub>2</sub> Group 1 assurance provisions.**

- (i). If total SO<sub>2</sub> emissions during a control period in a given year from all TR SO<sub>2</sub> Group 1 units at TR SO<sub>2</sub> Group 1 sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such SO<sub>2</sub> emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) TR SO<sub>2</sub> Group 1 allowances available for deduction for such control period under 40 CFR 97.625(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.625(b), of multiplying—
  - (A). The quotient of the amount by which the common designated representative's share of such SO<sub>2</sub> emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such SO<sub>2</sub> emissions exceeds the respective common designated representative's assurance level; and



- (B). The amount by which total SO<sub>2</sub> emissions from all TR SO<sub>2</sub> Group 1 units at TR SO<sub>2</sub> Group 1 sources in the state for such control period exceed the state assurance level.
- (ii). The owners and operators shall hold the TR SO<sub>2</sub> Group 1 allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
- (iii). Total SO<sub>2</sub> emissions from all TR SO<sub>2</sub> Group 1 units at TR SO<sub>2</sub> Group 1 sources in the state during a control period in a given year exceed the state assurance level if such total SO<sub>2</sub> emissions exceed the sum, for such control period, of the state SO<sub>2</sub> Group 1 trading budget under 40 CFR 97.610(a) and the state's variability limit under 40 CFR 97.610(b).
- (iv). It shall not be a violation of 40 CFR part 97, subpart CCCCC or of the Clean Air Act if total SO<sub>2</sub> emissions from all TR SO<sub>2</sub> Group 1 units at TR SO<sub>2</sub> Group 1 sources in the state during a control period exceed the state assurance level or if a common designated representative's share of total SO<sub>2</sub> emissions from the TR SO<sub>2</sub> Group 1 units at TR SO<sub>2</sub> Group 1 sources in the state during a control period exceeds the common designated representative's assurance level.
- (v). To the extent the owners and operators fail to hold TR SO<sub>2</sub> Group 1 allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) above,
  - (A). The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
  - (B). Each TR SO<sub>2</sub> Group 1 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart CCCCC and the Clean Air Act.
- (3) Compliance periods.
  - (i). A TR SO<sub>2</sub> Group 1 unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of January 1, 2015 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.630(b) and for each control period thereafter.
  - (ii). A TR SO<sub>2</sub> Group 1 unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.630(b) and for each control period thereafter.
- (4) Vintage of allowances held for compliance.
  - (i). A TR SO<sub>2</sub> Group 1 allowance held for compliance with the requirements under paragraph (c)(1)(i) above for a control period in a given year must be a TR SO<sub>2</sub> Group 1 allowance that was allocated for such control period or a control period in a prior year.
  - (ii). A TR SO<sub>2</sub> Group 1 allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (2)(i) through (iii) above for a control period in a given year must be a TR SO<sub>2</sub> Group 1 allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
- (5) Allowance Management System requirements. Each TR SO<sub>2</sub> Group 1 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart CCCCC.
- (6) Limited authorization. A TR SO<sub>2</sub> Group 1 allowance is a limited authorization to emit one ton of SO<sub>2</sub> during the control period in one year. Such authorization is limited in its use and duration as follows:
  - (i). Such authorization shall only be used in accordance with the TR SO<sub>2</sub> Group 1 Trading Program; and
  - (ii). Notwithstanding any other provision of 40 CFR part 97, subpart CCCCC, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- (7) Property right. A TR SO<sub>2</sub> Group 1 allowance does not constitute a property right.
- (d) Title V permit revision requirements.**
  - (1) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR SO<sub>2</sub> Group 1 allowances in accordance with 40 CFR part 97, subpart CCCCC.



- (2) This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.630 through 97.635, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR part 75.19), and an alternative monitoring system (pursuant to 40 CFR part 75, subpart E). Therefore, the Description of TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 CFR 97.606(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).
- (e) Additional recordkeeping and reporting requirements.**
- (1) Unless otherwise provided, the owners and operators of each TR SO<sub>2</sub> Group 1 source and each TR SO<sub>2</sub> Group 1 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
- (i). The certificate of representation under 40 CFR 97.616 for the designated representative for the source and each TR SO<sub>2</sub> Group 1 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.616 changing the designated representative.
- (ii). All emissions monitoring information, in accordance with 40 CFR part 97, subpart CCCCC.
- (iii). Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the TR SO<sub>2</sub> Group 1 Trading Program.
- (2) The designated representative of a TR SO<sub>2</sub> Group 1 source and each TR SO<sub>2</sub> Group 1 unit at the source shall make all submissions required under the TR SO<sub>2</sub> Group 1 Trading Program, except as provided in 40 CFR 97.618. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.
- (f) Liability.**
- (1) Any provision of the TR SO<sub>2</sub> Group 1 Trading Program that applies to a TR SO<sub>2</sub> Group 1 source or the designated representative of a TR SO<sub>2</sub> Group 1 source shall also apply to the owners and operators of such source and of the TR SO<sub>2</sub> Group 1 units at the source.
- (2) Any provision of the TR SO<sub>2</sub> Group 1 Trading Program that applies to a TR SO<sub>2</sub> Group 1 unit or the designated representative of a TR SO<sub>2</sub> Group 1 unit shall also apply to the owners and operators of such unit.
- (g) Effect on other authorities.**
- No provision of the TR SO<sub>2</sub> Group 1 Trading Program or exemption under 40 CFR 97.605 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR SO<sub>2</sub> Group 1 source or TR SO<sub>2</sub> Group 1 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.